'DEATH BELT' IN THE SOUTH MARK PINSKY

THE NATION

MARCH 26, 1977 60 cents

The Letelier / Moffitt Murder

THIS IS HOW IT WAS DONE

Saul Landau and Ralph Stavins

Washington Star

First-Strike Capability

From MARV to Holocaust

Robert C. Aldridge

Emancipation from Meany

New Life for the Unions

B. J. Widick

Young Paul

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LETTERS

England's transgressions

Woodside, N.Y.

Your article, "England Revives the Star Chamber" [Mar. 5], brings to mind your issue of Oct. 2, 1976 featuring the report of the European Commission on Human Rights on torture in Northern Ireland, not because of similar subject matter but by reason of the fact that Washington did not see fit to comment in either situation and has reacted no differently despite the confession of Great Britain that it has indulged in such practices.

While our government expresses deep concern over violations of human rights in many parts of the world, it is strangely, and traditionally, silent when it comes to transgressions by our friend and fragile ally. . . .

Charles O'Boyle

mental care

Jamaica, N.Y.

As medical librarian in a state psychiatric hospital, I get the impression that Russell Jacoby's information in regard to the operation of mental hospitals is out of date. [Review of Thomas Szasz's *Schizophrenia: The Sacred Symbol, The Nation,* Feb. 5.] "Involuntary incarceration" is a minor problem today. Of far greater importance is the revolving door through which the mental patient goes in and out of the hospital that he desperately needs for survival.

The hospital census is a fraction of that which obtained even five years ago and the emotionally ill are denied their most basic right—complete care and protection. . . . At the present time there are more persons in need of mental hospital beds than there are patients seeking discharge.

Isabella Black

for peace in the Middle East

Kibbutz Beit Háfmer, Western Galilee, Israel

Just received your December 18th issue. I was upset (not shocked, just upset) to read the letter by Phyllis Roa, in which she laments "your persistent blind spot where Israel is concerned" as "the only blemish on an otherwise perfect record." You defend yourself well enough not to need support, but I'd like to add a few words. . . .

We have evolved to the point at which it seems that on many issues, of which "the Middle East" is a case in point, we are incapable of separating our gut-level internal responses from the caricatures that we make of every situation. . . . All of us, "pro-Israel" and "anti-Israel," are guilty of . . . failing to understand the nuances and subtleties of the local situation. . . . On the Israeli side [are] those schooled in a belief in the divine right to certain land areas *not* within the pre-1967 borders, and those educated in the "classrooms" of the holocaust, who derived their world views from their experience in the camps; and, on the other extreme, those manipulated and brought up on an unquestioning political and religious hatred of everything that Israel represents.

Please, let's all of us make an effort to speak to each other and understand each other. Socialist "dogma" can only confuse the issue. True socialism can only grow out of an appreciation and a respect for all other people (on an individual level) and peoples (on a national level). . . .

Those in Israel who, nurtured on a paranoia of the world outside that has had plenty of fuel to feed it through the generations, nevertheless are unsuited to face a world where we must look forward to solving our area's and thus our people's problems. Paranoia breeds Masada complexes—it doesn't build futures.

On the other hand, those "outside" who follow an

(Continued on page 372)

EDITORIALS

Hooding the Hawks

The slick and foxy Majority Leader of the Senate, Robert Byrd of West Virginia, had the ominous last word on the debate over confirming Paul Warnke as our chief operative on arms control. He coolly warned the President that, if it ever came to an actual treaty with the Russians on this vital matter, he had better not lean his weight on the Senate as it considered ratification.

The Senate in its majesty, Byrd was saying, does not like to be hassled; it likes to consider such matters on their merits.

Unfortunately for Byrd and the Senate, that body had just given the citizens of this country (and, of course, the men in the Kremlin) every argument for persuading the Senators to acknowledge the necessity for serious controls on the nuclear arms race. The Senate had indeed confirmed Warnke as our arms negotiator, but by a vote that was short of the number required to ratify a treaty. It did that after a debate so hot that the normally temperate Senator Kennedy called the motives of the leading Democratic hawk, Jackson of Washington, "irresponsible and reprehensible."

The resistance to Carter's arms negotiator tells something about both the problem of slowing down, if not ending, the arms race and the President's general relations with the legislative branch. On the former, there are reasons to think that the Warnke debate represents the high-water mark of the cold warriors' hostility to some kind of accommodation with the Russians on arms levels. On the question of how President and Congress will get along, it can confidently be said that there will be at least the usual tensions between the two branches and that the fact that a Democratic President has a large majority of his own party in both chambers will do little to smooth the way.

The simple truth on the arms control question is that any discussion that gets far enough to take the form of a treaty will be Carter's instrument, not Warnke's. This is so obviously a matter of high policy that it should hardly have been necessary to state it that way during the long debate on the Warnke nomination. Nonetheless, it had to be repeated, reiterated and restated, and still the Jacksons, Nunns, Thurmonds and Moynihans seemed not to grasp the point. More precisely, they pretended not to understand it and argued as if the national security in toto were being casually tossed to Warnke to do with according to his whim.

Their argumentation was at a level of such intellectual squalor that they have substantially spoiled the case they will try to make against any treaty that comes before them. Moynihan, who is sometimes quite adroit in debate, even when he has the bad side of the question, got lost in his own fancy locutions and said he could not support Warnke as the negotiator with the Russians, because, he declared, he did not fathom the "motives" of the "evil" men in the Kremlin. That is the diplomatic equivalent of military speculation on an enemy's "intentions," as against his capabilities, and leads to the same place—nowhere.

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Leaving aside the question of Russia's long-term ambitions (and fears) about its position relative to ours in the world, there is every reason to believe that the present Kremlin leadership is strongly motivated toward an arms limitation agreement. Both superpowers are on the verge of a series of new technical breakthroughs in weaponry which will cost each side dearly and do nothing to increase the existing strategic stability—in fact, would have the opposite effect.

All Carter is aiming for in the next round of SALT talks is an agreement not to cross those thresholds into the realm of the next generation of weapons. Lowering of ceilings and reductions in actual levels of armament would come later. It is indeed a modest objective, despite the shrill cries of the Senate's hawks.

What these strident birds seem unable to see is that their fight against Warnke has helped their opposite numbers, the hard-liners in the Kremlin. All the indications are, as Victor Zorza pointed out in *The Washington Post* of March 9, that Moscow's ultras "would prefer to see Warnke sustain a moral defeat in the Senate," thus strengthening their case against Brezhnev's relatively soft-line group, which is still in control of Soviet policy. If the Russian hawks should triumph there, and Jackson's birds of prey win the fight here, the arms race will pick up speed on both sides, to the advantage of the arms makers and military bureaucrats here and there—and to no one else.

What is wanted is a cancellation, or at least a postponement, of the next round of tit for tat between the United States and the Soviet Union. As Senator Cranston remarked in a brief but sharp intervention in the Warnke debate, the arms race of the last thirty years has been a long series of actions and reactions, constantly escalating the arms level from one "family" of weapons to the next. And the United States has been the initiator of most of these weapons surges, which Cranston characterized as "action-reaction, buildup followed by buildup."

This is the fatal process which Carter seems firmly determined to try to end. In a few days Secretary of State Vance, accompanied by Paul Warnke, goes to Moscow for a tour of the horizon. It could be an important new start on the difficult but imperative business of arms control.

The success of the next round of SALT talks with the Russians will finally depend on Carter's firmness in dealing with Congress and on the popularity with the American people of an agreement to call a halt to the endless escalation of arms competition. There are grounds for hope on both points.

Sticky Fingers

How much delight can one take in the forthcoming resignations of the Frank Fitzsimmons cabal from the trusteeship of the Teamsters' Central States Pension Fund? With the departure of Fitzsimmons and three cronies, the fund is finally to be rid of trustees who lent money so freely to Mafiosi, and the management of the fund's $1.5 billion will be placed in the theoretically independent hands of an investment counselor and a "bank of recognized national stature" approved by the Labor Depart-

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The Nation is published weekly (except for first week in January, and bi-weekly in July and August) by the Nation Company and copyright 1977 in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York, N. Y. 10014. Tel.: 212-242-8400. Second class postage paid at New York, N. Y.

Subscription Price: One year, $21.00; two years, $37.00. Add $1 per year postage for Canada and Mexico; $2 other foreign.

Change of Address: It is essential that subscribers ordering a change of address give four weeks' notice and provide their old as well as their new address. Please give Zip Code numbers for both addresses.

Manuscripts: All work submitted will be read by the editors. The magazine cannot, however, be responsible for the return of unsolicited manuscripts unless they are accompanied by stamped, self-addressed envelopes.

Information to Libraries: The Nation is indexed in Readers' Guide to Periodical Literature, Book Review Digest, Book Review Index and the Public Affairs Information Service.

THE NATION

Volume 224
No. 12

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ment. But will this reform, coming after more than twenty years of investigation, really protect long-suffering union members from their leaders' penchant for plunder?

The answer is yes and no. The more distance that can be put between Teamster officials and large amounts of money, the better—so the removal of this Gang of Four from trusteeship is laudable. Also, Labor Secretary Ray Marshall displayed a gratifying toughness and freedom of maneuver in the negotiations that produced the agreement, in welcome contrast to the Labor Department under Nixon (and to a lesser extent under Ford), which seemed concerned above all to shield Fitzsimmons, that most conservative of labor bosses, from any discomfiture. But the present agreement has loopholes that may be large enough for even the portly Fitz to crawl through. The most notable is that the four outgoing trustees will themselves choose the bankers to handle the fund—and though their choice is subject to Marshall's veto, there is ample potential for abuse in this arrangement. Experience has taught that whenever Teamster leaders have anything whatsoever to do with handling cash, some of it sticks to their fingers.

Another worry about the Fitzsimmons resignation is that it may drain energy from the current criminal investigation of the fund's managers. Teamster officials have long hoped that, if they met the Labor Department's demands for a housecleaning, the Justice Department would let bygones be bygones. That must not be allowed to happen. There is overwhelming evidence that crimes on the grandest scale have been committed by those associated with the fund, and someone should go to jail for them. Ray Marshall has privately said that fund reform is a first step, and that he feels the criminal inquiry should go forward. It is to be hoped that the Carter administration, having achieved its first notable success in the realm of labor, will not now rest on its laurels.

The Earnings Gap

Barry Chiswick, a former senior staff economist with the Council of Economic Advisors, now at the Hoover Institution at Stanford, has used 1970 census data to produce some significant findings on the relative earnings of immigrants and the native-born, and what the gap represents as a hidden subsidy to the American economy. On the average, immigrants took about thirteen years to catch up with native Americans of comparable age, schooling and area of residence. But a few years later, immigrants were earning more than the native-born, largely because of the selective factors at work in migration —i.e., migrants tend to be young, ambitious, energetic and highly motivated.

Except for those born in Mexico, the country of origin was not significantly related to earnings, once schooling, age and other factors were taken into account. But those born in Mexico had initially average earnings 33 percent lower than U.S.-born white males and it was fifteen years before their incomes matched those of persons with Spanish surnames born in the United States—who themselves subsisted at levels substantially below those of the white average. The ability of the Mexican-born eventually to match the incomes of Spanish surname Americans suggests to Chiswick that "the earnings disadvantage of [these] immigrants is not because they were born in Mexico, but largely reflects problems shared in common with the native-born Mexican-Americans." Among these problems are, of course, the historic disadvantage of the Spanish-speaking as an underprivileged subclass in the Southwest.

The lag in earnings for Mexican immigrants represents an enormous subsidy to American employers—the more so since Mexican immigration includes illegal migrants as well as legal immigrants, on all of whom the 33 percent initial gap and the fifteen-year cycle keep repeating themselves. For years illegals have crossed the 2,000-mile-long border—one of the longest in the world —by uncounted tens of thousands. Every year since 1964 the number apprehended by the Immigration Service has increased; last year the service reported the arrest of 875,915 illegals, of whom nine out of ten were Mexicans. Of course, no one knows the number of Mexicans who may be in this country illegally at any particular time, but the total must be very large indeed. And today perhaps as many as 40 percent of these find urban employment—in restaurants, hotels, motels, construction, etc.—the balance being employed in agriculture.

If one knew the number of Mexicans, legal and illegal, who have worked in this country in any one of the last fifteen years, then application of Chiswick's figures would demonstrate the existence of an "earnings gap" of fantastic proportions. The magnitude of this figure, whatever it might be, would perhaps give some pause to those who seek simplistic solutions to the problem it presents. "Closing the border" is not the answer; it has never been strictly enforced and there is reason to doubt that it ever can be. A variety of stratagems have been proposed to control the volume of border crossings and some of them have merit. But the basic problem is to reduce the pressure of "push" and "pull" factors in the migration equation. This implies a better balance in our trade relations with Mexico (whose current deficit is $2.3 billion) and more assistance to the new government in its attempt to cope with the formidable economic problems it now faces.

Yet at this critical juncture what has Congress done? In the last hours of the last session, without hearings or debate, it reduced Mexico's immigration quota by half, thus stimulating further illegal migration. And when President José Lopez Portillo addressed an inattentive and poorly attended joint session of the Congress, what he had to say about economic cooperation met with no show of enthusiasm, even from those members who bothered to attend. "It is difficult," he said, "to be a neighbor of someone as powerful as you are." But even a powerful "good neighbor" should be able to recognize that more economic aid and assistance to Mexico, and more equitable terms of trade, might fairly be regarded as an attempt to pay back the enormous cheap labor subsidy that Mexican immigration has contributed to the prosperity of the Southwestern states. And it might do more to reduce border crossings than some of the measures being proposed to the special Cabinet-level committee President Carter has named to deal with the problem of illegal aliens.

CAREY MCWILLIAMS

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Wetback Scapegoats

In the storm now building around the problem of "illegal aliens," one important development earlier this month went almost unnoticed. On March 8 the federal government dropped all charges against four women who had been indicted in Tucson, Ariz. after a raid on a counseling center for immigrants called the Manzo Area Council. The raid, during which police seized the council's files, was discussed by Mark Day in *The Nation* of February 5. Day noted that one of the defendants felt it was "part of an attempt by the INS [Immigration and Naturalization Service] to weaken the advocacy process on behalf of undocumented immigrants throughout the United States." That assessment was widely shared; it was clear that, if the government could convict the Manzo women for aiding illegals, similar counseling centers in other states would be severely hampered.

The government not only indicted the four workers on twenty-seven charges, including various felonies; it also instructed one of the agencies which funds the Manzo center that any undocumented immigrants given counseling must first be reported to immigration authorities—an order calculated to cripple the center's usefulness, which depends on the confidentiality of the client-counselor relationship. The Manzo workers were told that, if they agreed to abide by the directive, charges would be dropped. Two agreed, but two refused.

Meanwhile several Manzo clients sued the government for "illegal entry, illegal search and seizure, illegal questioning of clients and improper deportation procedures." Finally the government recognized the bankruptcy of its position by dropping charges against the remaining defendants without any repressive stipulations. The Manzo center plans to carry on its counseling work as before.

This victory, while significant, is not final. An offensive against "illegals" is now underway on numerous fronts, not the least of which is Labor Secretary Ray Marshall's recent proposal that a national I.D. card, complete with photograph, be issued to all American workers—a suggestion that chills civil libertarians to the marrow. And the current attempt to deepen the prejudice against the immigrants by portraying them as responsible for high unemployment is among the more despicable attempts to place the blame for the system's failures on its victims. As Carey McWilliams notes above, undocumented immigrants have provided an immense windfall to the owners of American industry and agriculture. It is hardly their fault when the economy that takes advantage of them falls itself on hard times.

Outside the Money Game

Almost everything related to that extraordinary affair of the Black Muslim sect in Washington has been noted and dissected—except the fact that money played no part in it. Its absence from any transaction is so unusual these days that it may be worth a word of comment.

The Hanafi sect leader, between being read excerpts from the Koran, was apparently offered bundles of money by the Muslim diplomatic team, in exchange for ceasing and desisting. He seemed not to have had the slightest interest in being bought off from his fanatical course of action. The reports are that he was insulted by the idea.

Given the extreme puritanical nature of the Hanafi sect, it is not surprising that this worldly approach failed to work. But there is a certain irony in the circumstance that the countries represented by those three Muslim ambassadors have all liberally greased their national enterprises with bribery. Iran, Pakistan and Egypt have been models for the modern art of this kind of lubrication.

Americans, until just the other day, liked to think they were above that sort of thing. Our commercial successes depended solely on energy and native wits—elbow grease, not the other kind. It is only in the last few years that we have been forced to know that giant industrial empires, like Lockheed and the oil combines, had the morals of alley cats when it came to business; they were pioneers only in the scale and ingenuity of their systematic bribery. It was done without scruple by American enterprises abroad. At home, as we have been learning day by day, it takes a slightly more delicate form—but everyone is assumed to have his price.

The "revolving door" between government and "the private sector" has never spun faster. It shoots public servants, as they like to call themselves, from their jobs in bureaucracy or "leadership" smack into the mainstream of money. Henry Kissinger is cashing in on his eight years of celebrity at a million-a-year rate for as long as his pen and memory can hold out. William Fulbright's years as chairman of the Senate Foreign Relations Committee are paying off handsomely in legal and consultancy fees from the Arabs. Nixon's first Secretary of State, the lawyer William Rogers, numbers the Shah of Iran, our national client, among his personal clients.

Former Presidents are supplementing the $100,000-a-year pensions they draw from the Treasury with fat stipends from the broadcasters. Even Gerald Ford's twenty-nine months in office are worth six figures from a book publisher and a handsome contract from NBC for a questionable kind of exclusivity on what he learned in the nation's highest office. A "For Sale" sign has hung over San Clemente (applying to everything but the property itself) ever since its owner fled that other mansion. As far as we know, Mrs. Nixon has not yet made a deal, but Mrs. Ford will tell almost all at a juicy price.

So far the world of commerce has been inhibited about offering cash for the exploitation of the actual residents of the White House. But, the way things are going, can those barriers of taste last much longer? Surely "Son of the President," the memoirs of "Chip" Carter, would be worth a tidy sum paid down now, even if we must wait four or eight years to read them. And if only 9-year-old Amy's diary could be serialized, first in *Cricket* and then on up through the pre-teen mags, *Seventeen*, and, finally, *The American Bride*. . . .

All these crass considerations were of no interest to the addled heads of those puritanical Black Muslims. The only way money entered into their actions was in the losses to the producers of the "religious" film epic *Mohammad, Messenger of God*, who had to withdraw the "sacrilegious" picture for a couple of days, as demanded by the Hanafis. As soon as the siege was over, they rushed it back into the theatres. It was business as usual in America again, with a unique promotional twist.

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THE LETELIER/MOFFITT MURDER

THIS IS HOW IT WAS DONE

SAUL LANDAU and RALPH STAVINS

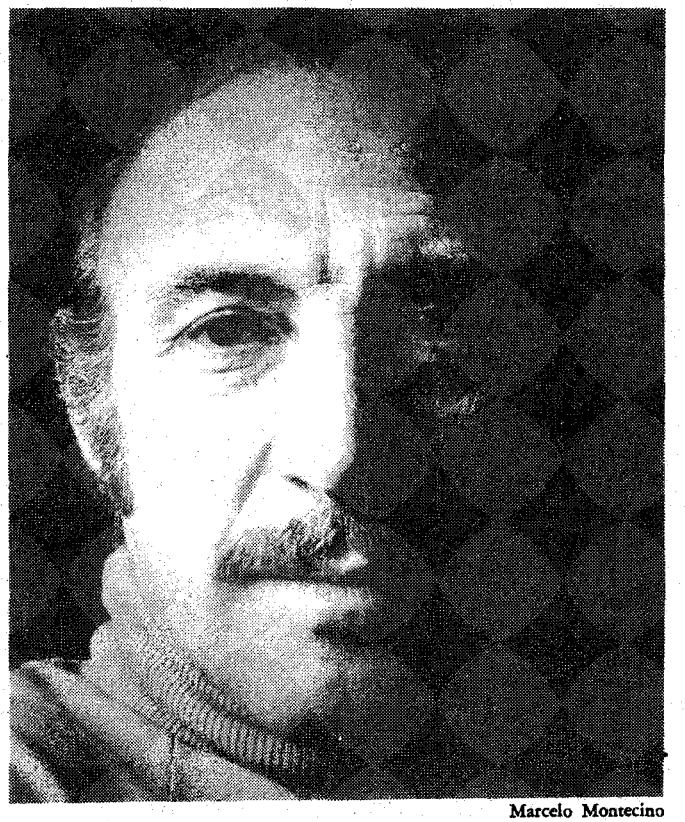
Six months have passed since Orlando Letelier and Ronni Moffitt were murdered on Embassy Row in Washington. No arrests or indictments have occurred. From our own investigation, published reports and Justice Department sources the names of several of the suspected assassins are known. From independent evidence that we have gathered, the suspects' motives and key details of the crime have emerged. The FBI and Justice Department findings concur in crucial detail with the conclusions drawn from our inquiry.

The actual plot for the murder began during a debate within the Chilean junta in June 1976. Letelier had received a letter from a reliable source which described this discussion. The question arose whether or not to assassinate Letelier, whom all members of the ruling council judged a danger to the regime. Gen. Augusto Pinochet made special reference to Letelier's public attempts to isolate and denigrate the ruling junta—his part in blocking a $63-million Dutch investment, his testimony before the United Nations and other world bodies about torture in Chile, his relationships with members of Congress and State Department officials (Letelier lunched from time to time with William Rogers, Assistant Secretary of State for Latin American Affairs, and had close contact with outspoken legislative critics of the junta, Senators Kennedy, McGovern, Abourezk and Humphrey, and Congressmen Fraser, Miller, Moffett and Harkin); his influence at international banking and lending agencies (Letelier was an economist and a former high official of the Inter-American Development Bank). Letelier stood for the Chilean law and constitution, for human rights and reason—in a word, legitimacy, underlined by his presence in Washington. All the junta had to rule with was terror.

The "moderates" around the Santiago decision-making table argued that, while Letelier constituted a clear and present danger, his assassination at that time would not augur well for future relations with Washington. The "hards" said, "kill him; the United States is soft on communism anyway." They no longer felt concerned over possible U.S. reaction to assassinations. They already felt betrayed.

The moderates prevailed. Instead of assassination a compromise was agreed upon: Letelier was stripped of his Chilean nationality by a junta decree. This decision, reached in June, was not published in the official *Gazette* until September 10, 1976.

Several elements entered into the junta debate. The most important factor was that, contrary to the public impression, U.S.-Chilean relations had suffered a steady decline over the previous year. Because of flagrant and well-documented violations of human rights, the U.S. Congress began to reduce the large benefits it had been granting to the junta since the overthrow of Allende. Congress stopped all military aid, sharply cut back economic aid, and inserted human rights provisions into aid legislation. From a 1975 peak of $273 million, U.S. aid was halved in fiscal 1976 and halved again for fiscal 1977. Three members of Congress and their staffs traveled to Chile and, upon their return home, gave eyewitness accounts of the horrors of daily life under the military dictatorship. In addition to such open condemnation of the regime by Congressional leaders, the Ford administration voted in early 1976 to denounce Chile at the United Nations for its systematic violation of human rights, and the State Department through the U.S. Embassy in Santiago delivered signals of diplomatic disapproval.



Marcelo Montecino

The sum of these gestures did not indicate an impending break in relations; indeed, one could interpret them as messages to mend one's brutal ways. But the junta responded with puerile rebelliousness. Its leaders, realizing that Congress was determined to cut their aid significantly, boasted that they didn't want it anyway. Chile's economic minister announced that Chile needed no more foreign loans, since the Chilean economy was already glutted with foreign credit.

Saul Landau and Ralph Stavins were co-workers with Orlando Letelier and Ronni Moffitt at the Institute for Policy Studies in Washington, D.C. Landau, a film director (Fidel), *is acting director of the Transnational Institute, IPS's international program. Stavins directs IPS's project on official illegality.*

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The Chilean press increased its attacks upon liberal U.S. legislators. Senator Kennedy was branded a Communist leader and cartoons in the junta-controlled Santiago dailies portrayed other powerful Senators conspiring against the junta, with Mrs. Hortensia Allende, the slain President's widow, goading them on.

Pablo Rodriguez, leader of the ultra-Right *Patria y Libertad* movement, asked on Chilean TV, "Why has Chile become an electoral banner used in the U.S. to win votes? I believe it is because to a great extent international communism has been attracting those nations where eventually there might be a conflict." Détente, according to officials in Chile, had proved that the United States could no longer be trusted. (Shortly after the murders, former Chilean Ambassador Manuel Trucco, responding to Presidential candidate Carter's attack on the junta and U.S. involvement in the coup, wrote Carter warning that his advisers were Marxist dupes.)

Letelier's published writings continued to throw doubt on the junta's economic and political legitimacy. In the August 28, 1976, issue of the *The Nation,* he published an article, "Chile: Economic 'Freedom's' Awful Toll," which connected the campaign of state terror to the junta-Milton Friedman economic model. Despite the ubiquitous terror, Letelier concluded, the generals showed no capacity to mold a viable economy, and future investment in Chile was foolhardy.

On September 10, 1976, Letelier learned of the decree stripping him of his nationality. At a scheduled speech at Madison Square Garden, New York, he gave his reply: "I was born a Chilean, I am a Chilean and I will die a Chilean. They, the Fascists, were born traitors, live as traitors, and will be remembered forever as Fascist traitors." The overflow crowd roared its approval. DINA agents attended the rally and reported to Santiago.

We believe that General Pinochet and his DINA chief, Manuel Contreras, called a special meeting to discuss these, for them, unfavorable recent events. This time the moderates lost. Pinochet ordered DINA to "hit" on Embassy Row in Washington, D.C. as Pinochet's "symbolic" response both to Letelier's resistance and to the United States' "betrayal" of its promised support.

From several sources inside the U.S. Government, we have learned that a high-level DINA official was instructed to conspire with Cuban exiles in the United States for the actual killing. The DINA-exile connection, by then many months old, had come about as naturally as a marriage between Mafia families. Shortly after the 1973 coup, Col. Eduardo Sepulveda, a close friend of Pinochet, was dispatched to Miami to meet with Cuban exile leaders. Ramiro de la Fé, a Bay of Pigs veteran who had served time for possession of explosives, and who was a spokesman for several terrorist groupings, consulted with Sepulveda and helped him set up a front group in the United States to promote the junta's image. In return, according to former exile activist, Carlos Rivero Collado,* Sepulveda promised moral and material aid in the exiles' private war against Castro and the Cuban Revolution.

In early 1974, the junta blessed the arrangement by sending Julio Duran to deliver a keynote speech before the exile community in Miami. Duran, Chile's delegate to the U.N. General Assembly and a leading figure in *Patria y Libertad*, promised the exiles that henceforth, Chile would support their cause.

The exiles, most of whom the CIA had abandoned because of periodic policy changes and the fallout from Watergate, became the junta's adopted sons. The junta and the exiles shared the same enemies and ideology. Chile, not the United States, was dedicated to the overthrow of Castro; Chile, not the United States, was now the hemispheric leader in the struggle against international communism; Chile, not the United States, was willing to use terror as a routine tool of policy. The exiles had new parents, and, judging from the frequency of their visits to Chile, a new home. In 1975 Brigade 2506, composed of Bay of Pigs veterans, awarded Pinochet its "medal of freedom."

According to Carlos Rivero Collado, from 1974 to 1976 the Cuban exile terrorist groups, with Chilean moral and material aid, launched a number of violent attacks in and out of this country. Their targets included not only the Cuban Revolution but some of their newly defined enemies in the United States. In one incident, Emilio Milian, a Miami-based Cuban exile, who advocated détente with Cuba, had his legs severed when a C4 bomb exploded in his car, the identical method used later to eliminate Letelier. (For details of atrocities committed by Cuban exiles in the recent past, see "Miami, Haven for Terror," *The Nation,* March 19.)

Our evidence indicates that a high-level DINA agent landed in Miami on September 13, 1976, and met with a group of Cuban exiles who had already been alerted that a "contract" was in the offing. The DINA agent worked out the details of the Letelier assassination with four young terrorists noted for their daring and cold-bloodedness. Having secured a plastic explosive and a detonating device, they departed for Washington. There they met with DINA agents, posing as Chilean officials, stationed at the Chilean Embassy. The Washington-based operatives briefed the exiles on Letelier's habits, his car description, daily departure times, route to work, parking location, and probable work schedule at the Institute for Policy Studies during the following week.

The next afternoon, Justice Department sources confirm, a group of Cubans made an official call upon their Chilean Ambassador, Manuel Trucco, to "protest" the extradition of Rolando Otero, a fellow Cuban exile, from Chile to the United States, there to stand trial for bombings in the Miami area. This visit to the Chilean Embassy could serve in the future, should it be necessary, to explain their presence in Washington.

Upon leaving the Chilean Embassy, they probably drove to an alley behind the Institute for Policy Studies, where Letelier routinely parked his car. The explosive was taped to the I-beam of the car, under the driver's seat, for maximum impact. The car may have been

* Carlos Rivero Collado was active in Cuban exile affairs until he recently returned to Cuba, revealing all he knew of exile politics.

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driven to test whether the plastic would remain in place. Just the day before a set of Letelier's car keys had been stolen from his office and when Letelier arrived at his car at 6:30 that evening, one of his companions pointed out that the right front door was ajar. He shrugged it off, saying, "Oh, I must have gotten out on the wrong side today."

The next morning Letelier drove to National Airport, parked his car for the day, and took an Eastern shuttle to New York. He returned on Saturday for a party at his house to celebrate Chilean Independence Day.

Monday, the day before the assassination, Letelier worked at his office. At the end of the day, he phoned Isabel, his wife, confirming a dinner-work engagement at home for that evening with Michael and Ronni Moffitt. When Moffitt discovered that his own car would not start, Letelier phoned again explaining that the Moffitts would drive with him. They stayed until midnight, and then drove Letelier's car to their own home, it being agreed that they would pick him up and drive to work together the next morning.

At 8:45 Tuesday morning, a Latin woman walking in front of Letelier's residence noticed a late-model gray sedan parked near the Letelier driveway. Three occupants sat inside and one man stood by the car. She identified him as "certainly a Latin," about 30, wearing a gray suit and tie. The four appeared to be enjoying an "inside joke," she said.

At 8:55 the Moffitts arrived in the Letelier car, and pulled into Letelier's driveway. Engaged in conversation, they did not notice any other vehicles nearby. As soon as they entered the Letelier residence, one of the group of four must have crawled under Letelier's car and attached the detonating device to the plastic charge—a procedure that requires only seconds.

At 9:15, Letelier, Ronni and Michael Moffitt left the house and began the drive from Bethesda to the District of Columbia. Letelier took the route he always drove—River Road to 46th to Massachusetts Avenue. They talked about the day's business and the dreary weather. No one paid attention to a gray sedan trailing them at a "safe" distance.

As Letelier entered Sheridan Circle, a hand in the gray car depressed a button. Michael Moffitt heard the sound of "water on a hot wire" and then saw a "white flash." Thrown clear of the explosion, Moffit tried to free the unconscious Letelier from the wreckage on top of him. His legs had been snapped from his body and catapulted some 15 feet away. Ronni Moffitt stumbled away from the smoldering Chevrolet; she seemed to be O.K., but in fact had suffered a severed artery and soon bled to death. Michael screamed out into the world, "The Chilean Fascists have done this."

This reconstruction of the assassinations, based upon evidence gleaned in six months of probing and with some educated guessing, is supported by what we know of FBI findings. In crucial areas, our conclusions and those of the Justice Department match exactly: a DINA official, himself under orders from "above," ordered and supervised the "hit"; Cuban terrorists carried it out; plastic explosive was the murder instrument.

Most of the FBI and Justice Department officials investigating the murders have made a concerted effort to bring the perpetrators to the bar of justice. At the same time, other agents inside the government have leaked material from Letelier's briefcase, seized by the police as potential evidence at the time of the explosion. The leaked material first appeared on the desks of several officials of the Inter-American Development Bank, where Letelier had served for many years. Next, the briefcase material was given to newspaper columnists Jack Anderson and then to Evans and Novak. The columns which these men wrote attempted to discredit Letelier and divert attention from the actual killers—General Pinochet, the Chilean junta, the DINA and their Cuban exile hit men.

The names of most of the killers, their motives, and their *modus operandi* are now known to the Justice Department. What remains are the more fundamental questions: will the U.S. authorities be allowed to gather sufficient evidence to bring the killers to trial? Will they name General Pinochet and other ruling junta members who ordered the assassinations? And will the role of U.S. intelligence and defense agencies, which had previously trained junta leaders, DINA agents and the exiles, be revealed in full? □

FIRST-STRIKE CAPABILITY

FROM MARV TO HOLOCAUST

ROBERT C. ALDRIDGE

"I am a little mixed up on these MARVs," confessed Sen. Thomas McIntyre, research and development chairman of the Senate Armed Services Committee, during military budget hearings last March. It is a pointed example of how the Pentagon has mystified the issues surrounding its new Maneuvering Re-entry Vehicle (MARV). If the Congressional purse-keepers, with access to secret information, don't understand what they are buying, the general public certainly can't. And to compound the confusion, the Air Force and Navy have again switched their stories. They seem determined to outmaneuver public understanding. To clarify this picture, I propose first to review the evolution of ballistic missiles which led up to MARVs; then to analyze MARV

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development over the past eight years. My account will also examine the transition from deterrence to counterforce, because current activity must be understood in the light of first-strike accuracy.

The trajectory of a ballistic missile is made up of three segments: powered flight, coast through space, and re-entry of the earth's atmosphere. Rocket motors boost the missile to altitude and speed. They then burn out and drop off. What remained on early missiles was the hydrogen bomb, packaged in a special capsule called the re-entry body. The re-entry body then goes through the second and longest portion of flight, coasting in an arc through space and eventually dropping back into the earth's atmosphere.

Early missiles flew a predetermined trajectory from a given launch point to a selected target. The necessary heading and velocity were obtained during powered flight, when the missile could be controlled by swivel nozzles or other means, but after the motors burned out the re-entry body, carrying its hydrogen bomb, sped on to the target like a bullet. That is why these missiles are called ballistic.

Later the United States developed the Multiple Individually-targeted Re-entry Vehicle, or MIRV. Several MIRVs are attached to a front section of the missile, called the bus. They are covered by the missile nose cone. At present there are three MIRVs on each Minuteman-3 silo-based missile and up to fourteen on the Poseidon submarine-launched weapons. During flight, by the time the last rocket motor falls off, the nose cone has been ejected. The bus, with its load of MIRVs, enters the long coast, during which it one by one releases its lethal passengers.

At first the Pentagon said MIRVs were needed to get past the enemy's defensive interceptor missiles. If re-entry bodies were spaced one behind the other at sufficient distance, they claimed, it would be impossible for one interceptor to destroy more than one body, and the supply of interceptors would soon be exhausted. Remaining MIRVs would then destroy the target. Spacing would be accomplished by backing the bus up along the flight path each time a body was released. After MIRVs were developed, however, the technique was changed. The bus was easily reprogrammed to move sideways rather than in reverse. That put each bomb in a different flight path, leading to a separate target. Each missile could then destroy as many targets as it carried MIRVs.

A pre-programmed trajectory was adequate for the long-implied U.S. nuclear policy of deterrence. The idea behind deterrence was to threaten massive retaliation against any country that might launch a nuclear attack on the United States. The unacceptable retaliation promised was wholesale destruction of cities and industrial parks. Those targets are vulnerable; even a relatively small bomb exploding within a half-mile of where it was aimed would be catastrophic. Threatening such a holocaust was intended to deter any country from shooting first. Deterrence, being a second-strike response, was viewed as a defensive position. With both the United States and USSR geared only for a second strike, it was not likely that nuclear weapons would be used intentionally.

Today the Pentagon has departed from the deterrent theory and has embarked on a program called counterforce, whereby missiles are aimed at the opponent's military targets, missile silos and the like. For that to work the weapons must be much more accurate, because such emplacements are buried deep in the ground and protected by thick concrete. While it appears more humane to have our missiles pointed at war-making installations rather than cities, that is not the case. Nuclear war is not like conventional war. There is no reason to plan second-strike response against military targets, because by then they would be empty. Neither are limited nuclear exchanges likely, although such scenarios have been suggested by military planners to justify the improved accuracy. A nuclear counterforce strategy would work only for the side that shoots first. It puts the United States firmly in the aggressive role, upsets any perceived nuclear balance and belies any pretended sincerity toward disarmament.

The key to counterforce is precision, and numerous programs have been designed to improve the accuracy of even existing weapons. One of them, taking advantage of computer miniaturization to develop the Stellar Inertial Guidance (SIG) system, is to be used in 496 Poseidon missiles now stationed around the world in thirty-one submarines. It will allow the missile to take a reading on a star or satellite or ground station once it has left the earth's atmosphere. If navigation corrections are needed they will then be made during the remaining portion of powered flight. However, the time available for these corrections is short, and the smallest discrepancy remaining at this early point in flight will be magnified many times before the warhead reaches its target.

A much fancier concept is being developed for the new Trident submarine-launched missiles and for Missile-X (a mobile missile with which the Air Force hopes to start replacing silo-based weapons in 1983). That new concept is called Navstar. Using a network of satellites to provide extremely accurate locations relative to the earth's surface, the missile will be able to update its navigation computers during the coasting phase. Corrections will be made by the bus. Navstar will do everything Stellar Inertial Guidance can, but more accurately. In addition, it will compensate for the shock of booster motor separation and bus maneuvers. Corrections can

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Robert Aldridge, an aerospace engineeer, worked sixteen years for Lockheed helping to design the Polaris missile and the MIRVs for the submarine-launched Poseidon missile. It was while leading an advanced re-entry system engineering group that he was given responsibility for concept design of the Mark-500 maneuvering re-entry body for Trident. In that capacity he first saw the Pentagon shift to counterforce. That led to his resignation. He is now doing research, writing and lecturing to inform the American people about trends in nuclear weaponry. His articles have appeared in The Nation, Bulletin of the Atomic Scientists, *and other publications.*

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be made continuously up to the time each MIRV is released.

None of the systems mentioned so far can correct deviations from the flight path during re-entry. Those deviations are caused by a variety of conditions, both of the body itself and of the atmosphere it encounters, and they can be quite substantial. To compensate for them, the missile must be able to maneuver during re-entry.

In 1968 Lockheed began preliminary studies on a simple MARV. This was called the SRB study—SRB being the acronym for Special Re-entry Body. The SRB had a bent nose, which caused the vehicle to fly at a slight angle during re-entry. The angle provided aerodynamic lift similar to that of an airplane. Because of its tremendous velocity, however, the SRB did not need wings. Inside the SRB was a weight that could move from side to side. When the weight was in the middle the SRB would fly straight. When the weight moved to one side the combined action of air pressure and gravity would cause the SRB to roll. The lift would then make it fly toward that side. A rough analogy is steering a surfboard by shifting the weight of your body. Careful planning of time and distance for weight shifts causes various maneuvers. These crude aerobatics were said to be necessary to avoid enemy Anti-Ballistic Missile (ABM) interceptors.

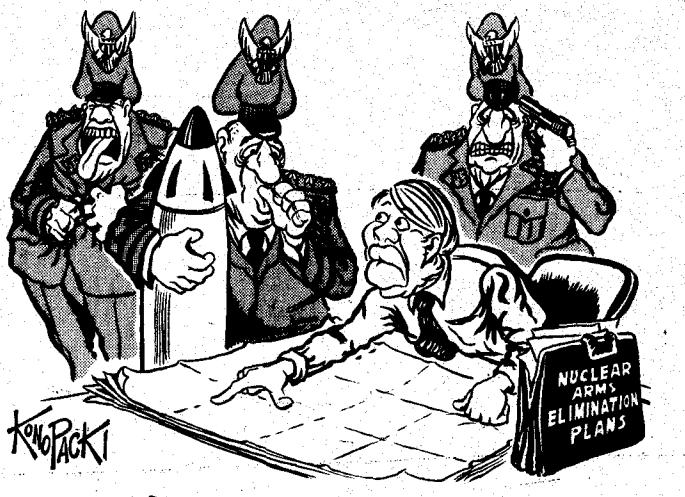
I should mention here that the ABM Treaty of 1972 put severe limits on the number of interceptor missiles allowed the Soviet Union and the United States. Basically the treaty restricts each country to but two ABM sites. Each site may be equipped with no more than 100 ABM launchers, each capable of launching only one interceptor with a single warhead. That means that each country can have only 200 ABM interceptors, hardly a significant number. To be sure the SRB study predated that treaty by several years, so the evasion justification had some semblance of credibility at that time. We should remember, however, that MIRVs were also first justified as an attempt to evade interceptors.

In 1970 Lockheed began concept studies for the Mark-500 maneuvering re-entry vehicle, to be used on the new Trident missile. At that time it was secret information that the Navy was interested in a MARV. The MK-500 uses the same bent nose and shifting weights as the SRB, and evasion of interceptors continued to be the stated purpose. It soon became obvious, however, that maneuvering the missile without some means of course correction would actually sacrifice accuracy. Then in 1972 the ABM Treaty was signed. Its limitation on the number of interceptors undercut the evasion argument. Lacking immediate justification the MK-500 was temporarily de-emphasized.

Also in 1972 Lockheed was awarded, without competitive bid, the prime contract for developing a first-generation Trident missile. That caused some raised eyebrows in Congress. To pacify those questioning legislators the Trident contract had a clause specifying that Lockheed must distribute a large portion of the work to subcontractors. Under that provision MK-500 investigations went to General Electric.

General Electric had started its own maneuvering studies several years earlier with money from the Advanced Ballistic Re-entry Systems (ABRES) program which is administered by the Air Force. The ABRES MARV featured twin flaps on the underside. Moving both flaps in the same direction caused the vehicle to pitch up and down. When they worked scissor-fashion they caused the body to turn. Combinations of the two movements created an interaction which allowed very precise maneuvering.

In January 1974, Rep. Les Aspin revealed to the American public that the Navy plans to put a maneuvering re-entry body on its Trident missile. The Department of Defense tried to calm the ruffled emotions by stating that "there is no plan to deploy a MARV on-target *at this time*. . . ." (Emphasis added.) The disclaimer went on to state that the purpose of the MK-500 program was to develop the basic technology, so that the United States could go ahead with further development if the ABM Treaty were ever canceled. The following month James Schlesinger, Secretary of Defense at the time, restated to Congress that the MK-500 is intended to evade interceptors.



When one grasps the implications of the ABM Treaty it becomes apparent that the goal of evading a mere 200 ABMs cannot justify a multimillion-dollar program—$178.5 million just for the preliminary work. Furthermore, a protocol to the ABM Treaty, signed in 1974 and ratified by both the United States and Russia, makes the evasion story even weaker, since it reduces the permissible ABMs to 100 for each country. With approximately 7,600 re-entry bodies now deployed on 1,710 strategic missiles alone, the need to provide maneuvering to outrun 100 Soviet interceptors is absurd. MARVs could be accepted only by an uninformed public.

In actual physical hardware the Soviets have never deployed more than the sixty-four Galosh interceptors (ABMs) which they stationed around Moscow many years ago. The United States did have one ABM site in North Dakota, but it is now being dismantled. The reason for the diminished interest in ABMs was made clear as early as the 1970 ABM debate: there is no practical defense against mass nuclear attack. Furthermore,

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once the re-entry body gets down into the atmosphere, which is the only time a MARV would have any additional evasive ability, destroying it would be next to impossible. Even nonmaneuvering vehicles would be invulnerable at that late time. The defense has no more than ten seconds to locate the incoming body, aim and fire an interceptor. And if that were possible, there would hardly be time for the interceptor to fly far enough out so that its own nuclear blast wouldn't do more damage than the incoming missile it was supposed to destroy. On paper ABM games may look impressive, but in real life they would never work. Why else would the United States dismantle its North Dakota site?

In view of the foregoing discussion it makes no sense to develop the MK-500 for the purpose of evasion. Nevertheless, Vice Adm. R.Y. Kaufman, during his early 1974 budget presentation, told the Senate that the MK-500's name had been changed to Evader. That, he explained, was so everyone would know that its purpose is to evade enemy interceptors. Since then, the MK-500 has been flight-tested six times over the Pacific on Minuteman missiles. Three more flights are scheduled aboard Trident-1 test missiles. Two flights of the Trident have now taken place. These flights gather information on behavior of materials, heat absorption, aerodynamics and load distribution during maneuvers, along with a check on the ability of the control system to function properly. All of this information is also needed to develop a MARV for target accuracy.

The ABRES program is providing the remaining technology required for a precision MARV. Besides developing the flap control system, ABRES is also working on sensors, which will be the eyes of a highly accurate maneuvering body called the Precision Guided Re-entry Vehicle (PGRV). The PGRV will scan the target area, compare what it sees with a map stored in its computer, and then make the necessary course corrections.

In March 1975, the Air Force announced plans for two competitive eight-month studies on the PGRV. General Electric and McDonnell Douglas were awarded those contracts which were the first phase of PGRV development. Both companies had previously flight-tested maneuvering concepts. General Electric flew large MARVs with flap controls on four different Atlas flights. McDonnell Douglas demonstrated long, low-level maneuvering re-entries from two Atlas flights.

By February 1976, the Pentagon was still claiming that the MK-500 was intended to evade Soviet ABMs and that the ABRES program was to develop accuracy. Dr. Malcolm Currie, then director of Defense Research and Engineering, stated to the House Armed Services Committee: "We have our MK-500 . . . we hope it will discourage the Soviets from deploying their ABM developments. . . . Another type of MARV is the terminally homing MARV and has the prime goal of very high accuracy." Later in that same month Rear Adm. Albert Kelln, Trident program coordinator, affirmed that the MK-500 is intended to counter any abrogation of the ABM defense agreement.

During the following month, March, the stories had changed. Navy spokesmen were then telling the Senate that the MK-500 is a rudimentary MARV, intended only to outmaneuver antiaircraft missiles which had been upgraded for use against re-entry bodies. For some time the Pentagon has alleged that the Soviets are improving their surface-to-air missiles (SAMs) for ABM use. The basis for that accusation is that SAMs were reportedly tested at altitudes above the earth's atmosphere. Since airplanes cannot fly that high such tests would imply that the SAMs were intended to destroy other missiles. Now those tests have become the justification for further development of the MK-500. The inconsistency of the reasoning is that the MK-500 cannot maneuver while above the atmosphere, and evasion at that altitude is assured by using chaff and decoys to prevent radar detection. Equally inconsistent is the sudden change in sentiment regarding the MK-500's ability to outrun ABMs. As pointed out earlier, even existing re-entry bodies could hardly be intercepted once they got into the atmosphere, but the final touch of incredibility is added when it is suggested that a SAM designed to strike down airplanes cruising at not more than Mach-2 for many minutes, even hours, can readily be updated to intercept MIRVs bearing down on their target at Mach-20—and all in the time required to take a couple of breaths. There is good reason to suspect that the Pentagon is fabricating stories to suit its needs.

Suspicion grows stronger when one attends to the developing ABRES program. As the MK-500's mission has been changed, so has the PGRV's. Its name has also been changed—it is now called the Advanced Maneuvering Re-entry Vehicle (AMARV). Emphasis on this program, the Senate was told, has been changed from improving accuracy to evasion of interceptors without sacrificing accuracy. According to John B. Walsh, deputy director of Defense Research and Engineering, the MK-500 is a typical example of a MARV designed to outrun simple interceptors such as upgraded SAMs. He then implied that advanced maneuvers are needed to outrun ABM interceptors. That is the role of AMARV.

The first phase of the ABRES vehicle program, the eight-month study of the PGRV by General Electric and McDonnell Douglas mentioned above, has been completed, and the second phase of PGRV, now renamed AMARV, development is now in progress. McDonnell Douglas won the contract to build two, possibly three, prototypes for flight testing. AMARV is controlled by twin flaps similar to the old General Electric ABRES design. It is supposed to be able to maneuver in the upper atmosphere, fly straight for a while, and then perform low-altitude maneuvers before striking the target. A new type of guidance system featuring laser gyros (sensors?) is supposed to put the AMARV back on course to deliver its bomb within 300 feet of the target. That is the accuracy expected from Advanced Ballistic Re-entry bodies.

What is not well understood is that there is a third phase to the ABRES maneuvering program. Radar-based sensors are to be incorporated. Although it is implied that these sensors will not be in the prototype flight tests,

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the AMARV will be designed to accept them. Then, with maneuvers confined to gentle course corrections rather than severe evasion aerobatics which upset navigation, that MARV will have the zero-miss accuracy required of aggressive counterforce weapons.

A litter of deception is strewn in the wake of the Pentagon's zigzag path toward a highly sophisticated reentry body. The end of the path, though still a secret, is obvious enough if one pays attention to history and current trends. The true goal is the devastating ability to launch an all-out nuclear attack which would completely disarm an opponent. Precise target accuracy is essential for such a strike. MARVs will provide it; other countries will then seek the same capability. The world would then be at a first-strike standoff where finger-on-the-trigger nervousness could easily result in all-out nuclear war. It is not just an emotional statement that civilization as we know it may not advance into the 21st century. □

BRITAIN'S 'BILL OF RIGHTS'

Judicial Review Is There to Stay

DAVID J. SCHEFFER

To every subject in the land, no matter how powerful, I would use Thomas Fuller's words over 300 years ago: "Be you ever so high, the law is above you."
—Lord Denning in *Gouriet* v. *Union of Post Office Workers (1977)*

Oxford

Anyone who assumes that Britain is ruled by trade unions and an omnipotent Labour government should take note that both have been losing recently in the courts. Britain's unwritten constitution may say that Parliament is sovereign, but within the past year the "rule of law" has repeatedly beaten back the assaults of Cabinet ministers, the Attorney General and the trade unions. The explosive *Gouriet* case, decided on January 27 in the Court of Appeal, Britain's second highest court, reaffirms a judicial activism so aggressively protective of individual freedom that time and again the interventionist state has found itself checked. While proposals for radical constitutional change are swamping Britain in response to the country's enormous political, social and economic problems, the courts are bucking the tide with an increasingly potent doctrine of judicial review. It just might allow the British to muddle through without completely overhauling their unique Parliamentary system.

Judicial review is hardly new to Britain. In fact, it predates U.S. Chief Justice Marshall's historic ruling in *Marbury* v. *Madison* (1803). The American courts, dominated by the spirit of the Constitution, have simply gained more mileage with judicial review than have the British. An American judge can strike down laws on the ground that they are "unconstitutional"; no British judge enjoys that power. He must be always mindful of the limits which a sovereign Parliament imposes upon him. Thus the British courts typically have had a tough time "reviewing" the decisions of administrative agencies or tribunals and executive officials (themselves Members of Parliament) who exercise their powers by legislative fiat.

Traditionally, then, the British judge has hesitated to draw upon a wealth of common-law principles which substantially mirror the more obvious American rules on judicial review, many of which are in statute form. Only within the past decade, since Lord Reid's famous decision in *Ridge* v. *Baldwin* (1964), have British judges given renewed prominence to the doctrine of judicial review in the face of expanding government powers. The rules may be exceedingly technical and lack the clarity of the American doctrine, but judicial review in Britain is no longer a forgotten relic stolen by the Americans.

No one realizes this more than Sam Silkin, Attorney General and a Labour Member of Parliament. Since late 1975, he has lost a series of major cases in the Court of Appeal and the House of Lords. First there was the TV licenses case, where the Court of Appeal held that the Home Secretary had exercised his powers unlawfully when he demanded, on threat of revocation, additional payment for a consumer's TV license. Second, in the highly publicized *Tameside* case, the House of Lords ruled that the Education Minister had no ground for finding that a Conservative-dominated local education authority was acting unreasonably in introducing a system of selective entry to grammar schools instead of the comprehensive system proposed by the former Labour-controlled council. Third, in December, Freddie Laker won his long court battle to operate Skytrain, a cheap North Atlantic air service (which awaits U.S. approval), when the Court of Appeal found that the Industry Minister had "misdirected" himself in unilaterally preventing Laker from competing with British Airways.

Finally the pot boiled over when John Prendergast Gouriet, secretary of the right-wing National Association for Freedom, stepped forward last January to stop the proposed one-week boycott of postal services to South Africa by the British Union of Post Office Workers. In order to accomplish this, Gouriet had to seek out the Attorney General for his consent to a relator action, which is foreign to the United States. It allows a concerned British citizen with no stake in an issue to attach himself to the Attorney General, who thereafter becomes a party to the suit, ostensibly for the purpose of protecting the public interest.

Silkin, exercising his discretionary power, refused

David Scheffer, a Knox Fellow from Harvard, is studying law at Oxford.

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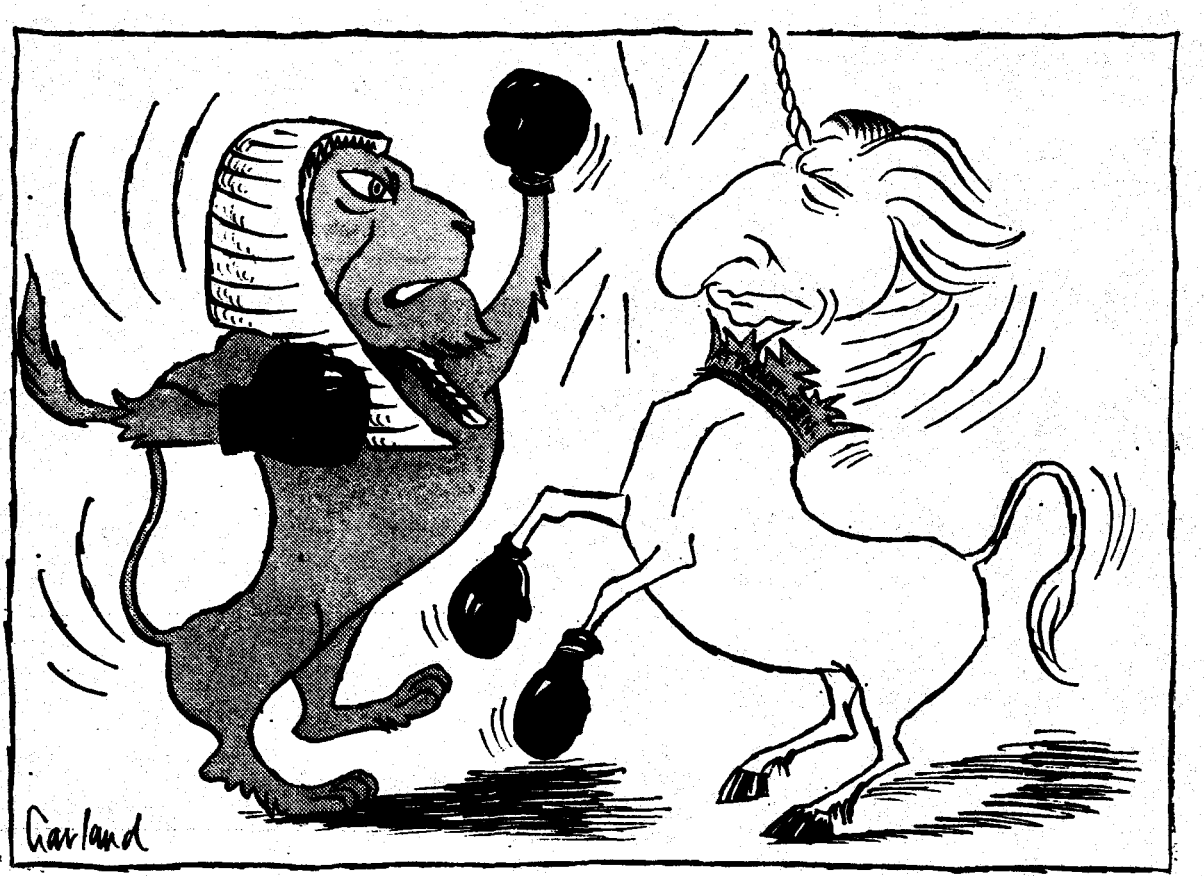

The Daily Telegraph, London

The Lion and the Unicorn Were Fighting for the Crown,
The Lion Beat the Unicorn All Round the Town. . . .

Gouriet's application. What the union proposed to do was a criminal act under statute law (which forbids interference with the mail) and one would expect the Attorney General to uphold the law. The question in the *Gouriet* case centered on whether a member of the public could leapfrog over the Attorney General's refusal and apply directly to the courts for, in this case, an injunction against the trade union. Silkin said no; the Court of Appeal said yes. Again, Silkin lost.

The *Gouriet* case is a fascinating study of the interaction between law and politics in Britain. Silkin refused to give any specific reasons for his failure to uphold the law, either to Gouriet or to the three judges of the court who asked him to explain his abnormal behavior. But after a long day in a packed courtroom, Silkin finally declared, "I am not simply a lawyer applying a lawyer's knowledge. I am a politician." Silkin's hunch, which he divulged in a hypothetical example, was that, if he did not intimidate the union members with legal action, they most likely would ignore their leaders' instructions to disrupt the postal services to South Africa. Why should he enforce the law if, by so doing, he caused the workers to defy the law? Silkin argued that the Court of Appeal was acting out of bounds. Damn the judges if they dared to "review" his discretionary powers. The Attorney General, he declared, was answerable only to Parliament.

How, then, would Britain be governed? Parliament passes laws which are not enforced and a single member of Parliament, in the office of the Attorney General, determines the public interest. The law becomes inextricably associated with Parliamentary interests, one of which is the powerful trade union movement and another the Labour Party's long-standing anti-apartheid rhetoric. As Silkin explained to his colleagues in the House of Commons, "The independence of Parliament is as fundamental as the independence of the courts"—the difference being that, while the independence of the courts is assumed, that of Parliament is more often than not manipulated by pressure groups, like trade unions. If there were political reasons for refusing to uphold the law, as Silkin eventually admitted, then so be it.

Yet if you were to define the law of Britain today, you would find much of it written by Lord Denning, head of the Court of Appeal and the judge before whom Silkin was doomed to suffer. At 78, Lord Denning is the most important and controversial British judge of this century. His judgments are praised, derided, upheld, overruled, religiously studied and patently ignored. They are always innovative, for in a legal system that prides itself in defining the law, Lord Denning is Britain's judicial legislator. He would have a ball sitting on the U.S. Supreme Court. But as Norman Atkinson, Labour M.P., asserted in Parliament, the *Gouriet* decision converted "the judiciary into a political institution. The judges, instead of reaching a judgment on existing law, made law."

The Court of Appeal, with Lord Denning, Lord Justices Lawton and Ormond presiding, decided initially to grant an interim injunction to prevent the boycott. Then, in their formal judgment, all three upheld the right of an individual to seek assistance from the courts to prevent the

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commission of a crime, even though the Attorney General has refused to give his support to the action. In the majority, Lord Justices Lawton and Ormond went no further and reaffirmed the sanctity of the Attorney General's discretionary power in this case. He was not bound to give reasons nor could the court order him to enforce the law. But they emphasized that he was *not* the sole arbiter of the public interest.

Lord Denning stole the headlines by forcefully asserting that the Attorney General's discretionary power was subject to review by the courts (as were the three ministers' powers in the TV licenses case, *Tameside,* and the Skytrain case) and that Gouriet, regardless of his lack of standing, could be granted a permanent (as opposed to interim) injunction against the trade union. Though in the minority on these two points, Lord Denning's historic judgment is indicative of what is now an undeniable flow of power from the executive to the judiciary.

While the British courts, traditionally stocked with Conservative-minded judges, cannot rule that a certain statute or exercise of power is "unconstitutional," as their American counterparts do, they can impose their will through statutory interpretation. Whatever political power an interest group enjoys in the sovereign halls of Parliament, the *application* of laws must conform with the *rule of law,* and that rule is defined exclusively by the courts. Thus when a government, such as the present Labour one, passes laws favorable to trade unions and exercises ministerial powers to insure the success of Socialist or just plain left-wing policies, and the courts begin to "muck up" the elaborate game plan, then it becomes evident, as it did last January when Lord Denning read aloud his damning words, that judicial review is here to stay.

Both the Attorney General and the Post Office Engineering Union have appealed the *Gouriet* decision to the House of Lords, Britain's highest court. Bryan Stanley, the union's general secretary, was quoted as saying that the appeal judges "appeared to take away the fundamental rights of members of our union to take industrial action, putting the clock back over a hundred years." The union decided to "ask the Prime Minister for urgent talks because the Appeal Court judgment appeared to take away much of the protection for all trade unionists provided by the Labour Government." The Law Lords certainly will go no further than Lord Denning and probably will uphold comfortably the majority decision in the Court of Appeal. The more hypothetical outcome of this case is its eventual impact upon the formal restructuring of law and politics in Britain.

Things could be left the way they are, with the common law as the repository of an evolving doctrine of judicial review. The Labour government surely would prefer it that way. In their view, the courts have displayed so much political bias against the government within the last year that a new Bill of Rights or written constitution would guarantee the politicization of the judiciary. Ironically, many Conservatives see the courts' recent decisions as threatening Parliamentary supremacy and they could balk at their own vague suggestions for a written constitution.

Meanwhile, a Bill of Rights bill, which would incorporate into the domestic law of Britain the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, is slowly progressing through Parliament. Lord Hailsham, former Lord Chancellor, argues that far more is required:

> [T]he absence of any legal limitation on the powers of Parliament has become quite unacceptable. . . . [O]f the two pillars of our constitution, the rule of law and the sovereignty of Parliament, it is the sovereignty of Parliament which is paramount in every case. . . . We live under an elective dictatorship, absolute in theory if hitherto thought tolerable in practice. . . . Surely, if it is to be worth the paper it is written on, a Bill of Rights must be part of a written constitution in which the powers of the legislature are limited and subject to review by the Courts. Otherwise it will prove a pure exercise in public relations.

Lord Hailsham's call for a written constitution may soon be taken seriously. After suffering a humiliating defeat in Parliament on February 22, the Labour government is now scrambling to salvage the Scotland and Wales devolution bill. M.P.s in all the major political parties have called for a "constitutional conference" that would consider not only devolution but a Bill of Rights and electoral and Parliamentary reform. In short, a comprehensive written constitution in which the judiciary undoubtedly would stand to gain more power.

But is Britain bound to go the constitutional route? Perhaps not. Ralf Dahrendorf, director of the London School of Economics, spoke recently of the "judicial despotism" that could arise from a written constitution. He said, "Jurisdiction is not a concept that has any place in Britain's political culture." The present "confusion of powers" in Britain between politics and the rule of law is not resolvable by codification. He suggested that to separate the judiciary is to polarize it. Witness the U.S. courts. The judicial branch inevitably competes with the executive branch and even the legislature for political influence. This can be very creative, but it invariably runs "the risk of politicizing the administration of law by inviting jurisdiction over matters of political controversy." Granted, Britain may exhibit "shades of elective despotism" and

> Some greater emphasis on the rule of law may not come amiss, including possibly the explicit recognition that the sovereignty of Parliament is not a sufficient guarantee of human rights, or of a balanced relationship between the individual and government, various institutions, or indeed the constituent parts of a federal structure. This may involve the creation of a codified Bill of Rights and a Supreme Court of the United Kingdom.
>
> But . . . it seems essential that any move toward greater judicial power should be a grudging response to needs rather than an enthusiastic embrace of apparent ideals.

In effect, what Professor Dahrendorf suggests is that Britain reform itself in its own way—politically—rather than import the legalistic straitjacket of a comprehensive written constitution. Far from disputing that thesis, the *Gouriet* case may have advanced it.

A complicated but increasingly powerful doctrine of

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judicial review is now firmly embedded in the common law of Britain. Since 1964, case after case has bolstered the courts' powers to protect the individual from the arbitrary exercise of governmental authority. This flow of power to the judiciary came to a head in 1976 and the *Gouriet* case confirms it beyond doubt. Judicial review could be the pressure valve which allows Britain to carry out political reforms without embracing an entirely new constitutional package that would place the courts on an equal status with Parliament. After all, America's politics of the Center stems in part from the overbearing influence of judicial legislation. Much of Britain's "political culture" consists of political parties which battle, and administer government, at ideological extremes. In many respects, the courts are now equipped to accommodate those extremes while still protecting individual rights. □

THE NOT-SO-NEW SOUTH

LEGAL AID IN THE 'DEATH BELT'

MARK PINSKY

Sitting in one of the newest tacky restaurants in downtown Plains, Ga., Millard Farmer is more than a little cynical about the media glamour the region has received in the past year. The 42-year-old lawyer, who was born and raised in another small, south Georgia town, dismisses articles on the New South as "the most oversold bit of nothin' I've ever read," preferring to call the area "the buckle on the Death Belt." Farmer, the son of a white textile worker, maintains that the New South exists more as a state of mind than as a rebirth in the southwest portion of the state of Georgia.

"I guess they haven't been reading about the New South over in Dawson," he says bitterly. Dawson, Ga., 20 miles up the road, is the county seat of Terrell County, known as "terrible Terrell" during the civil rights movement. The "Death Belt" he refers to is the area where poor blacks are most likely to receive death sentences after "routine" trials lasting two or three days.

Millard Farmer is part of the Team Defense Project, a creation of Julian Bond's Southern Poverty Law Center, which travels through the South, looking for cases that will almost certainly result in sentences of capital punishment. Their motivation, apart from any consideration of the guilt or innocence of their clients, according to Farmer, is based on "our firm, hard belief in the gross injustice of the death penalty." Politically, they believe that anyone who receives an adequately funded defense, regardless of economic status, is much less likely to be sentenced to death.

The current Dawson case is at once typical and extraordinary. Five black youths (including two pairs of brothers), all dirt poor and illiterate, none in any previous scrapes with the law, are charged with first-degree murder for killing a white man during the armed robbery of a crossroads convenience store more than a year ago.

The case is shot through with inconsistencies and improprieties: a temporarily forgetful but curiously spared white eyewitness; four missing guns; a confession and lie-detector release signed by an illiterate; an unidentified palm print; a stolen "getaway" pickup truck abandoned in the front yard of two of the defendants; other witnesses who place the defendants elsewhere at the time of the shooting; bloodstains that turn out to be rabbit blood; intimidation of a defendant by law-enforcement officials.

Despite all this, the state is asking for the death penalty,

The Dawson Defendants

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and four of the five youths have been in the county jail for more than a year, under $100,000 bond each. Not that the jailer is too worried about the threat they pose, since he appointed one of the boys a trusty, and had him running errands outside the jail and minding the desk when the jailers were out.

Farmer and his fellow Team Defense Project colleagues are confident they can win the Dawson case when it eventually comes to trial, and their concern now is raising money for bond. They are so confident because in the past six months they have developed a courtroom strategy which they feel can save their clients, here and elsewhere, from the electric chair. Overall, the team's strategy, says Farmer, is to "make the client a part of the defense. We want to translate the client's world into our world and the jury's world."

Specifically, Farmer explains, the strategy usually includes six points:

¶*File a blizzard of motions.* The team files up to fifty motions, concentrating on the racial composition of the jury, asking for a change of venue (if necessary) and making numerous procedural motions.

¶*Select the jury on the basis of a psychological profile.* Under the direction of team member Courtney Mullin, social scientists employ extensive demographic data to apply methods developed in the political trials of the late 1960s and early 1970s, most recently at the Joan Little trial.

¶*Take plenty of time.* Many capital cases involving poor blacks in the rural South last only two or three days. "We want to let the court and the jury have the time to get to know the defendant as a human being."

¶*Always put the defendant on the witness stand.* "The client may be obviously guilty, but also obviously human." Sometimes the defendant even participates in the *voir dire* examination of prospective jurors.

¶*If necessary, admit guilt.* Rather than put out "some bullshit story about how innocent they are, like some superstar attorneys do, we admit in the opening statement that the client committed the act and spend the rest of our time explaining why even so he or she shouldn't be put to death. We minimize the risk of getting the death penalty by accepting the risk of being found guilty of something."

¶*If found guilty of first-degree murder, turn the mandated penalty phase of the trial into a seminar on the death penalty.* The seminar might be titled "Death as Punishment," and the presentation includes law-enforcement officials, a former executioner, clergymen, former death row inmates, et al.

Not all of the Team Defense Project's cases are as clear-cut as the Dawson case because, Farmer says frankly, not all of their clients are innocent. There is, for example, the case of Gary Hawes.

Three times the team turned down requests that they represent the 15-year-old, black, Hallandale, Fla., native, who was charged with his two older brothers of armed robbery and murder in southeast Georgia. The team staff felt that the chance of the boy being sentenced to death was so remote that a local attorney could handle his case, and that their efforts could be better spent elsewhere. Nevertheless, he was convicted in a three-day trial and sentenced to death. The team has taken his case on appeal.

Now 16, Gary Hawes spends most of his time in the Clinch County, Ga., jail, reading his Bible, listening to gospel music on the radio and awaiting transfer to death row. Through the bars, he complains to Farmer that the other inmates curse too much, play cards and steal. There is little doubt that he killed the man, although his two older brothers received life sentences. Withal, Millard Farmer and the Team Defense Project are determined that he will not go to the electric chair—if they can prevent it. And they may very well succeed; that is what they are in business to do. □

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EMANCIPATION FROM MEANY

NEW LIFE FOR THE UNIONS

B.J. WIDICK

As the era of George Meany's domination of the AFL-CIO approaches its end, speculation about when he will actually give up the reins has obscured issues and trends that are far more important for the future of labor. A few publications, among them *The Wall Street Journal*, have begun to explore the real world of labor. Are unions likely to become more aggressive as major changes of leadership occur? Will the United Auto Workers reaffiliate with the AFL-CIO? Will Douglas Fraser, the indicated next president of the UAW, emerge as the leader of a new militant bloc of labor leaders in the AFL-CIO? An assessment of events in the last decade, along with the current relationship among key unions, may provide the background to answer such questions.

To begin, whatever else the McGovern campaign for President did, it broke Meany's grip on top labor leaders in a crucial area of national politics: whom does labor support? A bloc of AFL-CIO unions, working with the independent UAW, insisted on supporting McGovern, despite the apparent weaknesses of his campaign. Meany's

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proclamation of "neutrality" may have been taken seriously by some journalists, but key decision makers in the labor hierarchy knew better. They didn't need William Safire's book to tell them that President Nixon cleared his labor speeches with Meany, or that the AFL-CIO staff wrote the "hatchet-job" speech against Senator McGovern read by I.W. Abel at the Steelworkers convention—a speech calculated to give the Nixon camp any ammunition it might need. The Meany forces won a Pyrrhic victory in 1972, for Al Barkan, Meany's political operator, and his COPE organization never overcame the fragmentation that occurred in labor, nor the loss of prestige.

In 1976, the Meany group missed the boat again. This time they were not caught unawares in the primaries, that being their alibi for defeats in the 1972 primaries. With a well-financed, well-supported campaign for their favorite, Sen. Henry Jackson, the official AFL-CIO thought it had a winner, especially after the New York primaries. Meanwhile Jimmy Carter, assisted by the UAW and increasingly by other unions, piled up delegate strength, and by the time of the Democratic convention more than 400 union delegates from a coalition of unions were in his camp, while Barkan and some 200 delegates under his direction were the "outsiders." Soon the AFL-CIO, making a quick turnabout, endorsed Carter, the man whom President Meany had described as a "nothing." When Gerald Ford failed to keep a commitment to sign a bill allowing situs-picketing, a twenty-year goal of the building trades, even they switched from wildly cheering the President at their gathering before the October 1975 AFL-CIO convention, to join the Carter bandwagon.

Typically, Barkan sought to give the AFL-CIO full credit for Carter's victory—a public relations caper that didn't sit well with the blacks, or the labor leaders who had been with the winner all the way. The test of how the Carter administration took those claims came on the crucial issue of Cabinet appointments. It went like this:

One important source of Meany's power in the past had been his hard-line advocacy of the cold war. As a matter of conviction, he was an ardent and unconditional supporter of every President, Democrat or Republican, on major foreign adventures, including the Bay of Pigs fiasco, the Santo Domingo invasion and above all the disastrous war in Vietnam. In return, the usual flow of government funds into labor projects at home and abroad —apprentice programs, labor attachés, foreign labor exchanges, a whole range of activities—were all "cleared with George." Meany even exercised veto power over the admission of foreign labor delegations to the United States, as the Steelworkers and the UAW learned to their chagrin. Meany's foreign operations, directed by Jay Lovestone, had ample funds, including CIA funds. (As Meany himself said, its foreign policy operation made an arm of the AFL-CIO a working agency of the U.S. Government.)

Thus, if the Meany power was to be preserved, and his cold-war bias to remain influential (to him détente was a fraud), the selection of two friendly Cabinet members was decisive: Secretary of Defense and Secretary of Labor. James Schlesinger, considered a hard-liner, was the AFL-CIO choice for Defense; he failed to make it. The AFL-CIO lobby sought to recover from this setback with an intensive campaign for John Dunlop as Secretary of Labor. He was considered Meany's kind of guy, and a shoo-in. When Lane Kirkland, secretary-treasurer of the AFL-CIO visited President-elect Carter as Meany's emissary, he was asked to submit four choices. Kirkland gave Carter Dunlop's name four times—not perhaps the smoothest way to negotiate with the next President of the United States.

The selection was Ray Marshall, who, Carter said, had been his choice all along. Marshall was also the choice of some unions, notably the UAW, which had high standing at the White House because Leonard Woodcock, its president, was Carter's first important labor supporter. Woodcock's recent appointment to head a mission to Hanoi that will try to resolve the missing-in-action issue was not an AFL-CIO selection—further evidence of the breech between Meany and the White House.

Two other important issues have split the top labor leaders. The UAW felt strongly, as did some of its friends in the AFL-CIO, that labor owed Sen. Hubert Humphrey its support for Senate leader; that even if it were a lost cause, labor had an obligation to a lifelong friend. Instead, stretching political expediency to the breaking point, the AFL-CIO deserted its friend to back the probable winner, Robert Byrd.

Then there was the "Warnke case." President Carter's nomination of Paul Warnke as negotiator for the SALT talks dismayed the AFL-CIO, which lumps him with other non-hard-liners as muddled or soft about communism. The unsavory tactic of distributing an unsigned and heavily biased document against Warnke was quickly discovered—and then admitted—to be the work of two members of the Coalition for a Democratic Majority, Josh Muravchik and Penn Kemble. Both men are Meany "party liners." This did not amuse the UAW and other union leaders, or the new administration.

Meanwhile, as Meany slides toward retirement, his heir apparent, Lane Kirkland, has the frustrating and delicate task of being the skipper, but not yet in command, of a poorly helmed ship. Meany is extraordinarily sensitive about all aspects of his office, even though it is an open secret that his workday is now usually limited to two hours—hardly enough time to direct a complex organization with a multiplicity of problems. Meany's brilliant TV performances, it is true, could scarcely have been improved upon by Barry Fitzgerald, but that's not the kind of driving leadership the union movement needs. Nor are his repeated expressions of disdain for the unorganized an inspiration to hard-pressed organizers in the field.

Assuming that this analysis of the status of the AFL-CIO and George Meany is generally sound—and it represents the consensus of some not inconsequential labor leaders—why on earth would the UAW, a union of 1.5 million members, want to return to this sea of troubles,

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Hugh Haynie, Louisville Courier-Journal

"Ah Sho' Appreciate All You've Done F'me, George . . . Heah, Have a See-gar!"

especially when one recalls the many bitter years of dispute between the late Walter Reuther and George Meany?

By a procedure remarkable in the American labor movement—it is an example of union democracy in action—this question will not be resolved in a back room, or by private discussion among the UAW leadership. From May to September, the UAW at all levels will be arguing the question of reaffiliation; then in September a convention called specifically for the purpose will vote on it. The leadership does not expect to present the ranks with a united opinion on the matter. In all likelihood, the spokesman for re-entry will be Douglas Fraser, who is to be elected president in May at the regular constitutional convention. The strongest opposition at the moment comes from Fraser's close colleague of many years, Emil Mazey, UAW secretary-treasurer. Leonard Woodcock, who will retire as president in May, was the original proponent of reaffiliation. It is no secret that other officers and executive board members are divided on the issue.

Most unions would view such a division as a crisis, threatening panic. In the AFL-CIO, where Meany has ruled with only token opposition since the UAW stepped out in 1967, the kind of discussion planned in the UAW must seem incomprehensible. In many unions the rank and file never see or discuss new contracts, let alone policy issues. But open debate is what makes the UAW unique, and strong. Its leaders have an enormous pride and confidence in their union, its ranks, its traditions. They have confidence in themselves, as experienced veterans of every modern labor and political struggle.

Segments of the AFL-CIO want the UAW back, to work even closer than in past coalitions. There is a new relationship between the official AFL-CIO and the UAW, despite crucial differences on policy. In the past, Meany totally isolated Walter Reuther from other union leadership; now the UAW works easily with many AFL-CIO unions, in an atmosphere not beclouded by personal animosity. (Though it must be said that Woodcock never had Reuther's kind of problem with Meany.) Jay Lovestone is retired, and when Meany goes, a whole squad of the old guard will go with him.

Already there are signs that the AFL-CIO executive board does not propose to give up the independence it began to gain in 1972. Lane Kirkland is not George Meany: transfer of title is one thing; transfer of power, something else. Bill Winpisinger, the new president of the 700,000 Machinists, has openly declared his independence; he even tried to bell the cat by suggesting that Meany retire. Jerry Wurf, president of the 750,000 American Federation of State, County and Municipal Workers, never joined the Meany boys. Glen Watts, of the 550,000 Communication Workers, has challenged the boss on important issues. Bill Sidell, of the 800,000 Carpenters, shows signs of being his own man, not just a successor to the Hutcheson family. All of these men negotiate major contracts with major corporations and businesses. Their work experience is at least as impressive as that of Kirkland, whose talents as second in command are undeniable, but who has still to prove himself as boss.

The retirement of I.W. Abel as president of the Steelworkers union (1.2 million members) removes a major internal prop from the Meany faction. That group may interpret the defeat of Ed Sadlowski as a triumph, but celebrations are premature. Lloyd McBride, Abel's successor, was a consensus candidate, and seven new directors were elected in the districts. The new leadership includes a black vice president, long a goal of the more than 200,000 black Steelworkers, and the second in command, Lynn Williams from Canada, is an avowed Socialist whose party programs run counter to Meany policy.

In their anxiety to defeat Sadlowski, the Meany forces made two blunders that may come back to haunt them. They openly supported and helped finance the McBride campaign, thus setting a precedent for interference in other union elections. Meany endorsed McBride, the leaders of the Amalgamated and Textile Workers Union gave money, and Al Shanker, president of the Teachers Union, used one of his columns to blast "outside interference" in the Steel election, especially that of Victor Reuther and Prof. J.K. Galbraith.

Then, until it had second thoughts on the matter, the AFL-CIO blundered again by demanding a Senate hearing on the question of "outside interference." Suppose a Senate committee had decided to take up that suggestion, and had begun by calling up David Macdonald, former president of the Steelworkers union who, now protected by the statute of limitations, could have been asked to discuss those four elections he said he helped steal when I.W. Abel was secretary-treasurer?

Fraser has available an easy course, if he wants to

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steer the UAW away from the present storms within the AFL-CIO—he can stand clear until the winds abate. The UAW prospered as an independent union. It can remain independent, thereby getting plenty of TV and newspaper headlines for itself; continue to be the front runner on contracts; maintain its own contacts in labor abroad, and take no chance of a split among the leaders and within the ranks on a question as controversial as re-entry into the AFL-CIO. Most union leaders would wait and see, but Fraser is not that sort.

He is choosing the hard way to begin his career as president of the UAW because he sees the union movement in a time of flux. The election of President Carter gives labor a "breathing spell," after years of struggle with anti-union Republican administrations. Hence there is a duty as well as an opportunity to fight for the revitalization of all labor, to reunify unions that want to work together on all fronts. Fraser is eager to make the "labor center" in Washington more effective, the organizing campaigns in the South totally coordinated. As a unionist who sees all the tragic limitations of business unionism, and the need for broader vision, Fraser would think himself a traitor to his basic convictions if he now stood on the sidelines.

Re-entry of the UAW would put more than $2 million annually in the AFL-CIO treasury; more coordinated lobbying and assistance to smaller unions would be invaluable for everybody. So for Fraser this is a challenge that must be met. Like the Reuther brothers, he grew up in a Socialist family, and his personal values haven't changed in a lifetime of union struggles.

However, unlike Walter Reuther, Fraser has no illusions about what the AFL-CIO is, or how it operates. Eloquent speeches and fine resolutions make good copy but, as Reuther learned, they don't get things done. Fraser also knows of potential mine fields in the AFL-CIO that might explode and affect his campaign for re-entry. There is also the not inconsiderable opposition in his own union, notably from his friends, Mazey and Irving Bluestone, vice president and G.M. department director.

George Meany and Lane Kirkland would obviously prefer an "all is forgiven, welcome home" denouement, but both know it is out of the question. Will the new Lovestoneites—as the Bayard Rustin-Al Shanker supporters in "Social Democrats USA" are called in UAW circles—fear a loss for their faction if the UAW returns, and feed the anti-entry forces persuasive arguments against the Fraser campaign? Such questions are likely to be explored in private meetings between the UAW and AFL-CIO leaders, including Shanker, but no one expects a basic change of views.

The fact that two major AFL-CIO unions (the National Maritime Union and the Longshoremen) are currently under grand jury investigation and that the Restaurant Workers Union and its new president, Ed Hanley, the youngest man on the AFL-CIO executive, are being investigated by the government, can create negative reactions among UAW activists. Sensational stories in the *Chicago Tribune* that describe Hanley's financial and other operations are being widely discussed in labor circles, and can't be dismissed as simply "figments of the capitalist press." The AFL-CIO didn't take that view when its Ethical Practices Committee was condemning Jimmy Hoffa and the Teamsters. If the issue of corruption expands into a national question, the response of the AFL-CIO might affect the re-entry argument.

The case against re-entry, as Emil Mazey sees it, rests on two grounds: structural in terms of AFL-CIO organization at the top, and political in view of Meany's uncompromising views on all questions. (Mazey was the UAW officer who in 1967 argued against leaving the AFL-CIO.) In December 1976, Woodcock and Mazey had a long meeting with Meany. As befits men of that stature, the talk was candid, the atmosphere friendly. There was no meeting of the minds on vital political issues. Mazey, for example, feels that the AFL-CIO made a major mistake when it broke away from the International Confederation of Free Trade Unions. He urged reconsideration of that policy. Meany remained as adamant against the ICFTU as when he first poured his contempt on it. For Meany détente is a total fraud; for Mazey it is an acceptable political risk—and the UAW leadership is unanimous in that view. The UAW believes in communicating and meeting with its opposite numbers in iron curtain countries. Meany views that as an endorsement; the UAW sees it as a technique for breaking through the curtain. Mazey, in particular, is deeply concerned about the arms race, that a return to the cold war could lead to nuclear disaster. Fraser's views on these questions are almost identical with Mazey's, and Woodcock has expressed himself frequently along the same lines.

Mazey chided Meany quietly for denouncing the Labor Assembly for Peace in 1967 as "Moscow-inspired" and run by stooges. Mazey pointed out that it had been his idea, and that one of his staff men had organized it. Meany replied he hadn't meant Mazey. After many issues had been discussed, the overall impression that Mazey took from the conversations was that Meany hadn't changed his views on any subject one iota.

What also disturbs Mazey (he hadn't really expected to shake Meany's political views) was the structure Meany established at the top of the AFL-CIO after the 1955 AFL-CIO merger convention. It legitimized one-man rule, and violated the spirit of the merger agreement. An executive committee had been created, consisting of the two top officers, and three members each from the AFL-CIO, with James Carey, David Macdonald and Reuther representing the CIO. Reuther assumed this would be the policy-making group between council meetings. It never functioned, for Meany had an inexhaustible supply of reasons for not calling meetings. After a time, the committee was abolished, and the AFL-CIO became a one-man show.

Mazey wants, as a precondition f re-entry, structural changes that set up a mechanism for collective and representative leadership, and expects to conduct a vigorous campaign against merger until that condition is met. He would also like to see an organizational restructuring which would enable unions to cooperate rather than com-

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pete for membership. Meany is capable of saying, "I don't think there's any reason to get excited about the fact that we do not have a higher percentage of the workforce organized." For men like Mazey, who was an organizer in the turbulent days of the CIO, that attitude is shocking. He is against another marriage of convenience.

The kind of arrogance which often emanates from the Washington, D.C. offices of the AFL-CIO, and is not appreciated by either Fraser or Mazey, was illustrated in a *Wall Street Journal* story of February 24. Al Zack, Meany's spokesman, was discussing the views of some new AFL-CIO leaders and the UAW. Said the *Journal*: "As for the complaints of the new leaders, Mr. Zack asserts that the AFL-CIO is already 'liberal and leftist' and that the newcomers are going to find some pragmatic arguments once they get here on why there is no way to implement some of their grandiose ideas." The writer adds, "He [Zack] predicts, for example, that then Mr. Winpisinger and Mr. Fraser won't be inclined to oppose the AFL-CIO pro-Pentagon positions because their unions represent defense workers." Aside from its cynicism, the remark betrays an ignorance about the Machinists and the UAW, both of which have had large memberships in defense industries and know the score. The UAW's anti-war attitude goes deeper than a concern over membership differences. Apparently the AFL-CIO accepts the charges of the New Left that its only aim in life is jobs—at any cost, even war.

Just as Leonard Woodcock was his own man, and not an echo of Walter Reuther, Fraser will make his own mark on the UAW and the labor movement. As a young man, he participated in and survived the intense factionalism in the UAW to become president of De Soto Local 227, with a reputation for integrity and ability. As an independent militant, he ran against one of Reuther's staunchest allies, Gus Scholle, president of the Michigan CIO. Fraser lost, but earned Reuther's respect. He became director of the Chrysler division at the demand of local union activists. He soon was a top assistant to the president. As vice president of the UAW, he took over the "career-killing" post of director of the skilled trades department, with its 150,000 rambunctious members. Although Fraser quite often found himself on a collision course with his constituency, he never lost his rapport with them, or their support of him—any building trades leader will understand what kind of political "savvy" that takes.

When Reuther was killed in a plane crash, the UAW leaders divided evenly between Woodcock and Fraser as Reuther's successor; Mazey cast the deciding vote for Woodcock. Instead of the rancor one might expect, Woodcock and Fraser worked smoothly together to keep the team intact. It was the most impressive display of maturity and collective leadership the modern labor movement in this country ever witnessed. Recently, Fraser became the unanimous choice of the executive board and the Reuther caucus leaders to succeed Woodcock. No one doubts his ability to run the union, or to represent it in negotiations with General Motors, Ford and Chrysler. Long ago the auto industry discovered his talents as a bargainer.

Fraser has deeply immersed himself in the crisis in Detroit. As political action director, he guided the UAW to support the black candidates for mayor, and over the years he has supported the Trade Union Leadership Council in its fight for more black representation on all levels of the UAW. Fraser is perfectly at home with shop workers, intellectuals and academics. His wife is a professor and dean at Wayne State University. He is well-read and a "first nighter" at the theatre.

In a sense, Fraser has spent a lifetime preparing for this opportunity. His outlook is that of a social unionist, not a business unionist. It is symbolic of his views that in April he will be speaking to the Washington chapter of Michael Harrington's Democratic Socialist Organizing Committee. Fraser has often expressed his admiration for all the radicals who helped build the CIO in the tough days. He thought well of the anti-war youth movement in the 1960s, never seeing it as the main danger—he understood Richard Nixon too well to be mistaken about the main danger. Dissent doesn't frighten him. In his view, any democratic society, including a democratic union, should tolerate a broad spectrum of ideas and people.

In a word, Fraser represents the best in the UAW tradition, and he intends to keep the UAW in the forefront of social unionism. For the UAW—which has much talent at the top—he is the right man, with the right ideas, at the right time. To answer the questions raised in my opening paragraph: Yes, the union movement will get more militant, with Fraser doing his share. Yes, the UAW probably will re-enter the AFL-CIO. Yes, Fraser will emerge, not as a leader of a bloc—he is no stupid factionalist—but as a major influence in the labor movement.

There's a fresh wind blowing. □

LETTERS *(Continued from page 354)*

extraordinarily simplistic old New Left line, which accords praise and blame on a scale of romantic revolutionary values, childlike in its beauty, and childish in its blindness to objectivity, are working *against* meaningful peace.

Please, Ms. Roa and all like you . . . if you are truly interested in peace in the Middle East, see the right and wrong on both sides, the strengths and weaknesses, the complexes and insecurities. Here in Israel there are many who want a peace that gives justice to everyone. . . . But it has to be a justice tempered with realism . . . it has to take into account the climate of hate and suspicion, generations deep, that forms a chasm of mistrust between people of goodwill on all sides. . . .

No justice will be served by these passionate self-righteous guardians of the moral gospel who seek to apportion all the blame to one side. Please, let all of us who want a just solution put down the defensive guards of our unworthy caricatures and talk to, not at, each other.

Far from Israel being your blind spot, congratulations to *The Nation*'s editors for being among those rare people in the "Socialist" camp who are prepared to look beyond the surface truths that are usually confused with the real situation. *Shalom.*

Steve Israel

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BOOKS & THE ARTS

Cunning, Fraud or Flight

TAYLOR STOEHR

A later and extended version of this article will appear as the introduction to Drawing the Line: The Political Essays of Paul Goodman (*Free Life Editions*). *Two other volumes,* Creator Spirit Come: The Literary Essays of Paul Goodman *and* Nature Heals: The Psychological Essays of Paul Goodman *are available from Free Life Editions separately or in a boxed set with* Drawing the Line.

Of modern American decentralists and anarchists, by far the most important was Paul Goodman. All through the 1960s he campaigned for a new attitude toward politics and government, and poured out ideas for practical changes that would return autonomy to individuals and especially to small neighborhood groups. If it is too soon to know the precise effect of Goodman's ideas on political activists, or even on his own disciples, it is nevertheless clear that they have begun to seep down among people who have never heard of him.

The problem in being an anarchist is this: how to abolish the state without also destroying society? Although some anarchists speak of revolution, in the conditions of modern superstates it is not realistic to think that any political revolution would do more than alter the terms and personnel of power.

How then can we act in our world without complicity in its corruption? Is it possible to bring our lives into closer touch with our ideals? Can our daily living help make a better world for us all? Our exemplary figures are those who try to live this life of principle: Thoreau, Garrison, Kropotkin, Tolstoy, Gandhi. Paul Goodman wanted to live such a life. It is easy to be cynical about his motives, or sophisticated about his predicament, but we do not have so many heroes of this spirit that we can afford to condescend to any of them.

Therefore he was an anarchist. He struggled with the anarchist dilemmas personally, for like Thoreau he was not fundamentally political: "I do not have the character for politics," he said in his last political tract *The New Reformation,* "I cannot lead or easily be led, and I am dubious about the ability of parties and governments to accomplish any positive good." Nonetheless, like Thoreau with the Fugitive Slave Law, Goodman found himself confronted with encroachments by the state that could not be ignored: World War II, and the cold war, and finally—especially through his son—the war in Vietnam. How he tried to maintain his principled anarchism in the face of these monstrous complicities is a story as full of hard lessons for our time as Thoreau's support of John Brown and the Civil War was for his.

Taylor Stoehr, who is currently at work on a biography of Paul Goodman, is the literary executor of Mr. Goodman's estate and professor of English at the University of Massachusetts.

Goodman was a poor Jewish kid, fatherless, bisexual, growing up more or less unsupervised on the streets of New York City. Like many such boys not handy with their fists, he learned eloquence early. He was what used to be called a "golden mouth"—though his Hebrew name, which translates "brazen mouth," was perhaps more accurate. At the beginning of the Great Depression, when most 20-year-olds were scrambling for jobs, and many were "radicalized" in the process, Goodman appointed himself an artist. This was an auspicious beginning for an anarchist, no income and no politics. No one worked harder, so long as the pay was not coin of the realm; no one more inept at making a buck.

His friends of the 1930s remember him as apolitical. He claimed that at City College he used to bait his Communist classmates by reading Trotsky out loud. At the University of Chicago he made fun of the Stalinists who came to indoctrinate the Poetry Club, and scandalized the radical community by romancing the wife of a Lincoln Brigade volunteer. At the beginning of World War II he shocked a young naval ensign (Leslie Fiedler) by arguing in favor of the black market, as a form of small business initiative with the added virtue of undermining the war effort.

The war soon forced him to sift his anarchism deeper than these easy jibes. What was the correct response to Hitler? Fascism, like slavery, was not something one could simply wash one's hands of. Thoreau would have picked up a gun, just as he defended the guerrilla exploits of John Brown. Goodman was closer to the "nonresistant" wing of abolitionism, to activists like William Lloyd Garrison and Henry Clarke Wright, who argued in classic anarcho-pacifist fashion, War is the State. Like them Goodman considered himself already engaged in his own guerrilla action, and the problem was not how to join the larger campaign against the Third Reich or Imperial Japan but how to keep from joining the U.S. Army.

The state offered two choices, Army or jail. (One out of every six inmates of federal prisons during the war was a C.O.—more than 6,000 men—and many times that number were locked up in the "Civilian Public Service" concentration camps.) Some refused to register and went to jail, or refused induction and went to jail or camps. Others joined the Merchant Marine, got jobs in defense plants, went on the lam. Almost 350,000 draft evasion cases were officially reported. Still others were drafted and decided to "bore from within." Goodman himself had been classified III-A,

> *. . . because of a marriage (not quite regular)*
> *and a dependent child (I can't support).*

But typically he was unable to follow his own advice, to lie low in his "little hole of lies and honorable pretensions," as he put it in a poem in his "War Diary." His friends were going into prison or hiding or the Army. He chose to make a nuisance of himself, from his position of relative safety. His brazen mouth cost him dear, though as it turned out, not at the hands of the authorities.

At this point in his career (spring 1942) he had seemed on the verge of the great literary success he always thought would someday arrive. He had two books newly published, one of them his masterpiece *The Grand Piano.* New Directions was including his stories and poems in its annuals, and *Partisan Review* had accepted a batch of stories and was running his film criticism as a regular feature. Klaus Mann said his voice reminded him of "the accents of Goethe's mellow wisdom and fatherly confidence"! But in fact Goodman was not far along in his effort of self-definition. His success had taken n by surprise, and he no longer knew quite what to do with the cocksure manner he had always relied on, for that defensive posture was now obsolete. But he was not yet sure enough

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of himself to simply take what came. What *should* his posture be?

With our entry into the war this pattern of luck and reward suddenly began to fall to pieces. If he had been willing to play the apolitical artist everyone had thought him through the 1930s, Goodman might have ridden out his career as an avant-garde novelist of considerable talent and following. But that was not consulting one's deepest impulse. Already in the spring of 1941 Goodman had written a public letter in *Partisan Review* complaining that James Laughlin had dedicated the New Directions annual to the RAF without consulting his contributors. (If this bit of "scrupulousness" did not keep Goodman out of later annuals, it was certainly not because he bit his tongue henceforth. Laughlin was simply less vindictive than others whom Goodman offended.)

The editors of *Partisan Review* were themselves deeply divided on the question of "critical support" of the war, and Goodman poured oil on the flames by submitting an extraordinary pronouncement "with regard to the war, draft, and sedition," for publication in the late spring of 1942, when the Allies were rapidly losing the war. *Partisan* did finally publish it (after considerable censorship) but that marked the end of friendly relations between Goodman and the most important literary magazine in the United States. It was, as he believed thereafter, the end of his literary career.

Goodman certainly knew he was in for trouble when he wrote the piece. First of all, he refused to consider the war as a struggle between fascism and democracy: "By the war I do not mean something subsequent to the attack on Pearl Harbor, but the activity of decades which has adapted itself with such astonishing smoothness to the present world-wide national unities"—and just as he explained the war in these terms of "continuity between the past and present," so he accounted for, and justified, his own response to it in terms of "the next step following from each man's past." If all along one had refused to acquiesce in the social drift that led to the war, he might in good conscience now refuse to take part in it.

He then distinguished three kinds of citizens: (*1*) those "who concurred in the social ideals" all along "are unlikely to dissent now, unless by a strange ignorance, a want of feeling for the horrors long present, they did not realize where they were headed and now undergo a late revulsion"; and (*2*) those who dissented all along, but "thought the people were persuasible to a more or less imminent political change," are in the present circumstances "committed to sedition," but might lie low "if they think the odds are at present too great." It was an accusation or a dare, readers (or editors) could take their choice.

The third group consisted of those "who so strongly dissented from the authoritative institutions and mores that they despaired even of political persuasion," and had been working instead as "educators, artists and religious persons" toward a future society more in touch with basic humanity. This group, among whom Goodman counted himself, was further divided into those "whose lives are given . . . to the purity of their principles and moral agitation," and those "who sacrifice themselves to free works, living privately for the good of all." Of these, the religious persons—like Dave Dellinger and the Union Theological Seminarians who refused to register for the draft in 1940—would choose civil disobedience rather than the Army; the free artists, on the other hand, would employ "cunning, fraud, or flight" just to go their own way. Again it is the latter group that Goodman found himself among, and he went on to explain "that persons of this kind have always lived in the society more or less as in a state of nature, accepting the social conventions only *pro tem* and conditionally. Now when the social events have so far deteriorated that life and liberty themselves are in jeopardy, it is their duty to criminally do their best for themselves and their work. So Hobbes taught."

Goodman's 1930s philosophy of "non-commitment" had been redefined in the emergency as "sedition" and "draft dodging." When the editors at *Partisan Review* saw this piece, they immediately consulted their lawyers, "to purify it for the mails." "Cunning, fraud, or flight" became "seizing various private opportunities." "To criminally do their best for themselves and their work" emerged as "even in violation of social sanctions." Goodman savored the nuances of this censorship: "Everywhere I wrote 'we ought' or 'we must,' it came out that that 'such people in the past often have.' Do you catch it?"

At this point the *Partisan Review* was still publishing a fairly wide range of political opinion, including in the next issue a controversy over "Pacifism and the War" by D. S. Savage, George Woodcock, Alex Comfort and George Orwell. For at least a year the editors had been arguing among themselves over the proper line to take toward the war, Rahv and Phillips pro, Macdonald and Greenberg con. According to Goodman, one of the editors complained about his piece that these problems of the draft and sedition were not appropriate to America's leading intellectual journal; "What people are *really* interested in, he said, is 'The Cultural Dilemma of the Intellectual in Society.'" As it turned out, it was this position that finally won control of the magazine in the summer of 1943, and from that point on Goodman's name was not to be found in the table of contents but at the top of the blacklist. When Dwight Macdonald resigned to start his own alternative journal *Politics*, Goodman was among his first contributors.

About this time Goodman began to write for the anarchist magazine *Why?* published by a group of young radicals who met every Saturday in the old Spanish Anarchists' Hall on Lower Broadway (Solidaridad Internacional Anti-Fascista.) *Why?* could trace its lineage back to the old *Vanguard* group (another magazine) of the 1930s, and for the first years of the war some of the older syndicalists and Wobblies continued to come every Saturday to argue with the younger generation who had "gone off on a tangent," tempted into bohemianism and personalism. The *Vanguard* group had been a melting pot of European revolutionary movements; not everyone carried proper papers, or the name he was born with. Their interests were prewar: trade unions, deportation, internationalism, Spain, the Moscow Trials, Kronstadt. The younger anarchists were still mostly working class, but native born, from Brownsville and the Bronx. The state that was their enemy was the United States. Their vocabulary was different: they rarely talked about who had the better "analysis," who was a "wrecker," how to organize or propagandize this or that group. The war made certain topics obsolete, brought others to the fore. Aside from draft resistance and pacifism, they wanted to talk about mutual aid, communal living, decentralization—the topics of the 1960s.

These concerns were right up Goodman's alley, for his and his architect brother Percival Goodman had just finished writing *Communitas*, a radical history and compendium of community plans that was about twenty years ahead of its time. In 1944 Goodman was thinking about ecology and a guaranteed annual wage and banning the cars from Manhattan as well as the draft and its evasions. He quickly became the Dutch uncle of the anarchists, older and more learned than these 20-year-olds, and not quite one of the family—he rarely went on the Sunday picnics—but looked to for intellectual energy. He brought his friends round to give talks, and began to write for *Why?* Goodman was not their guru, or at least none of them thought so,

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for they were independent 20-year-olds, with jobs and passions in life. The range of occasional voices went from Tuli Kupferberg to Ernest van den Haag, from Robert Duncan to James Baldwin, from Paul Mattick to Alexander Lowen, Julian Beck, and Judith Malina. Not all of them were anarchists—these were for the most part one-shot speakers rather than regulars; the regulars were less well-known, but just as various in their ideas. SIA Hall provided a serious forum for radical thought during a period when almost no public opportunities existed. If *Politics* magazine now gave Goodman an audience—not quite the audience he had been on the verge of winning in 1942, but better than nothing—the *Why?* group gave him an intellectual community.

This sense of community was especially important for people as thoroughly at odds with the surrounding society as Goodman and his anarchist friends. In the 1940s it was most unpopular to hold the views they held. Even after the war the victors were not willing to let anyone off lightly. Truman's amnesty, for instance, left thousands in jail, and six months after the armistice the *Why?* group joined in the picketing of Danbury Prison, where their friends were still doing time. Local patriots, the *Danbury Times* reported, "hurled insults at the demonstrators. . . . The crowd of onlookers at times appeared to be in an ugly mood, especially the war veterans and the parents of youths who served their nation and some of whose sons were killed and others wounded in defense of their country." These familiar phrases rang with much more vehemence thirty years ago than today.

It should be kept in mind that Goodman never included himself among "those whose lives are given . . . to the purity of their principles and moral agitation." Rather than public civil disobedience, his *modus vivendi* was "cunning, fraud, or flight." The duty of artists was to "sacrifice themselves in free works." He advised others to avoid both the Army and jail if they could: "I have the strongest objection to enlisting in Jail!" exclaimed the hero of *The Empire City*, "Institution for institution it is worse than the Army." But he also tried to impress upon his friends the importance of acting out of long-standing conviction, in order that one might not later have to deal with guilt and self-accusation. "Do not let either your enemies or your friends prematurely assign 'your' principles to you. Stubbornly work for the personal good that you do know and desire, and your underlying principles will emerge."

When he was finally ordered to report for his own physical in the spring of 1945, Goodman was again very much in need of comrades: they were the jury of peers to whom he addressed his defense. Yet, so far as I have been able to discover, Goodman did not discuss his own draft case with any of his anarchist friends. He had been considering his alternatives ever since he first registered in 1940, but I do not feel that he had come to terms with his fears or his principles, as he advised others to do. He now needed a sympathetic hearing as he tried to write out his political credo in half a dozen essays on the difficulties and consequences of "drawing the line." These he published in *Why?*, *Politics*, and *Retort*, and then collected as "The May Pamphlet," which remains the major statement of his anarchist position. It is a mannered work—is perhaps even desperate—yet it is more philosophic than any of the social criticism he wrote in the 1960s.

The argument of "The May Pamphlet" is that present society is not free, but trapped in coercion and compromise. Each man must "draw a line" beyond which he will not accept society's goods and behests. It is not so important just where individuals draw the line—that will depend on one's character and past—but the libertarian program of free action, "to live in present society as though it were a natural society," requires something more, the renunciation of unnatural conventions, and this will necessarily be accompanied by conflict and suffering. Here we can glimpse Goodman's sense of his own embattled state, his defense of his Hobbesian withdrawal from the social catastrophe, and his way of dealing with the opprobrium his behavior occasioned. There was special pleading in his "touchstone for a libertarian program"—that is, "to advocate a large number of precisely those acts and words for which persons are in fact thrown into jail." As an anarchist touchstone, it makes a certain amount of sense; the point was not to get thrown into jail, of course, but to find the heart's blood of the coercive society. It is pretty hair-raising work when your numbers are few—especially if the aim is also to avoid jail, which leaves one in the awkward position of not being willing to pay the price for one's principles. In "The May Pamphlet" Goodman puts a bold face on it, but the fact that he never comes down to cases—that is, to his own draft case—suggests that even he was

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uncomfortable with his touchstone.

The positive aspects of his libertarian program were easier to get behind, and one can see in them an early formulation of his social criticism and peace politics in the 1960s. The program must attempt to bypass the conventional institutions by going back to "primary nature" (the animal instincts) for sources of energy, and to the community of friends for a more thoroughly participatory democracy, with unanimity required before taking any action. The planks in the program were six: (*1*) a demand for work "that realizes our human powers"—"cooperative jobs themselves worth doing, with the workers' full understanding of the machines and processes, releasing the industrial inventiveness that is in each man"; (*2*) a reassessment of the standard of living; (*3*) encouragement of childhood and adolescent sexuality; (*4*) "direct political initiative" in housing, community plan, education, etc.; (*5*) a more humane naturalistic ethics, and (*6*) abstention "from whatever is connected with the war." It was essential that all of these be practical, and not merely utopian, proposals. They were therefore aimed at areas within the control of small groups, where by mutual aid and free initiative something might be done immediately.

Nowhere in these essays does Goodman specifically discuss the draft or his pacifism as he did in his *Partisan Review* statement, or in the advice and counsel to draftees he wrote for *Why?* in 1946, 1949 and 1952. Yet there is no doubt in my mind that "The May Pamphlet" grew directly out of his own need to justify his draft dodging. Goodman's politics always grew directly out of his own predicament, and his deepest impulses about how to cope. It can be seen behind every line here. In general this principle worked well enough for him, and his faith in it was one of his most attractive qualities, but there were times when it failed him disastrously. He did not always know what his deepest impulse was, or he would not have been looking for touchstones. In later years —after his psychotherapy—he learned to court confusion in such cases, a Taoist faith that sometimes helped, though it was very difficult for him. Often he pretended to know his truth all the more certainly when he was most at a loss, and "The May Pamphlet" is not free from this anxiety. It is the source of its faltering tone—sometimes full of conviction, sometimes merely clever or arrogant—and eerily reminiscent of another desperate attempt to draw the line almost exactly 100 years earlier—"Civil Disobedience." "The May Pamphlet" has the same power to inspirit and to dismay as Thoreau's more famous apologia.

Beyond the circle of anarchists at the SIA Hall, and the readers of *Politics* magazine, Goodman had little audience for these reflections. Significantly, *Partisan Review* was one of the handful of magazines to review *Art and Social Nature* when it came out, with "The May Pamphlet" as its chief essay. That review was a mere hatchet job, treating the book as Goodman's self-serving theory that "If we systematically introduce children to sexual experience, . . . we shall get the revolution." Before long copies of *Art and Social Nature* were being remaindered at 45 cents. Although he was still publishing books at a terrific clip, nobody was reading them. *Communitas* acquired a modest following in departments of architecture, but *The Facts of Life, The State of Nature, Kafka's Prayer* and *The Break-Up of Our Camp* fared no better than *Art and Social Nature*. In 1949 he had to publish *The Dead of Spring* by subscription ($5 each from 200 friends). For ten years Goodman's audience remained at this depressing size. It got so bad that in 1956 he gave up starting new works and began to keep a journal instead, gloomy little thoughts he jotted down like a tramp staring greedily in the restaurant window at the customers eating. □

Life's Alchemy

THE STREET OF CROCODILES. *By Bruno Schulz. Translated from the Polish by Celina Wieniewska. Penguin Books. 160 pp. Paper $2.95.*

JOANNA ROSTROPOWICZ

Unlike other books published in Philip Roth's series, Writers from the Other Europe, Bruno Schulz's *The Street of Crocodiles* was written before World War II. It is thus an exception to the series' original purpose of presenting the American reader with the most significant books by contemporary Eastern European writers. Certainly the unusual artistic quality of *The Street of Crocodiles*, and the fact that Schulz was the most prominent Jewish writer in Polish literature (considered by many one of the most important writers between the two wars), fully justify the editor's choice.

Born in Poland in 1892, in the small predominantly Jewish town of Drohobycz, Schulz was killed there in November 1942 as he walked from the library where he worked to the room in the ghetto which he shared with his mother, sister and two other relatives. His killer, an S.S. man named Günther, knew that he was shooting at the town's most prominent citizen, a renowned writer and artist. Had he also known that Schulz corresponded with Thomas Mann, that Rainer Maria Rilke was his most beloved poet, that he also wrote in German and was the first translator of Kafka's *The Trial*, he would have been doubly gratified by his execution.

Schulz's family, his manuscripts and the majority of his friends, Jewish and Polish, did not survive the war. Even his letters to Zofia Nalkowska, an influential Polish writer who arranged money and Aryan papers for his rescue, disappeared mysteriously from her apartment on the day of her death in 1952, several years before the postwar publication in Poland of Schulz's work. The remaining letters painstakingly recovered over a period of thirty years and finally published by Jerzy Ficowski in 1976 reveal the self-portrait of a profoundly unhappy man, one who never deluded himself that somewhere else, by some act of his or someone else's will, his suffering might be lessened.

First by circumstance and then by choice, he was confined to the asylum of provincial boredom. A teacher of crafts in a secondary school, Schulz supported his mother, his sister and her two children on this income. Although he could have left Drohobycz and was encouraged to do so by his friends in Warsaw and by the young Polish woman to whom he was engaged for four years, their attempts at persuasion were futile. "Boredom," he wrote to Witold Gombrowicz, "redeeming boredom! That is our grand asceticism, our fastidiousness which forbids us from participating in the set feasts of life, it is the uncorruptibility of our taste sworn to the new, unknown treats." Liberated by his father from the religious and cultural bonds of the Jewish community, yet at the same time tied to these origins by an artist's reverence for their mythology, Schulz held on to the boundaries which provided his frail sense of identity and justified his pain. There was no pretense in his choice, no masochistic posture, a fate rather, an artistic necessity. In one of his letters to a person he hardly knew, Schulz describes ". . . the most essential dream I had at age 7, the dream anticipating my fate. I am in a forest, night,

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dark, with a knife I cut off my penis, make a hole in the ground, bury it. This is somehow antecedent, the part of the dream without emotional intonation. Next is the real dream. I come to my senses, realize the monstrosity, the horror of the committed sin. I don't want to believe that I did it, yet over and over again I admit that it is so, that what I have done is irreversible. In a way I am now beyond time, facing eternity that won't be anything for me but an awful consciousness of guilt, a feeling of irreparable loss forever. I am eternally condemned as if I have been locked in a bell jar from which I wouldn't be able to get out, ever."

The Street of Crocodiles originated in Schulz's letters to Debora Vogel, a writer, philosopher and co-editor of a Lvov literary magazine *Cusztajer*, whom Schulz met in 1930 and with whom he corresponded for the next two years. Gradually his letters to Debora, who was killed in 1943 together with her son, husband and parents, developed into a series of tales about a father and his son, Jacob and Joseph of Drohobycz. Miss Vogel, who was also an art critic and greatly admired Schulz's *clichés-verre*, soon realized that her friend's talent was mainly that of a writer. She persuaded him to rewrite the letters into a book and suggested its title: *The Cinnamon Stores*. Through her connections she introduced Schulz to the literary circles in Warsaw. In 1934 *The Cinnamon Stores* (*The Street of Crocodiles* is the translator's title) was published and won "the golden laurel" of the Polish Academy of Literature.

Why such immediate recognition for an unknown author? The writers who voted for Schulz had no difficulty justifying their decision. The book was unlike any other work of fiction they had read, yet it bore no trace of experimentation and owed nothing to current avant-garde theories and practices. Instead it offered a unique insight into a pre-adolescent boy's perception of his family's life. Not a memoir of the author's childhood, but a powerful reconstruction of the lost paradise of purely poetic imagination, it was inspired in every detail by an acutely sensed reality transformed into images which were often compared to those of Goya or Chagall.

When I first read Schulz, ignorant of his life and knowing small Jewish towns only from still pictures, whispers or ruins, I was overwhelmed by the feeling of being enclosed in an isolated gallery of movable icons: ageing men with Old Testament faces, small boys with grown-up eyes, provocative and untouchable women, inhabitants of a town divided into two districts, one of the cinnamon stores, the other, the street of crocodiles.

In the first, "Bengal lights, magic boxes, the stamps of long forgotten countries, Chinese decals, indigo, colophony from Malabar, the eggs of exotic insects, parrots, toucans, live salamanders and basilisks, mandrake roots, mechanical toys from Nuremberg, homunculi in jars, microscopes, binoculars and, most especially, strange and old books, old folio volumes full of astonishing engravings and amazing stories" symbolize a state of mind preoccupied with the alchemy of life, with the magical meanings inhering in the material remains of other cultures. This interior of a store reminiscent of Faust's cabinet, is the mysterious playground of an old man, a secular temple in which his son's imagination is initiated into secrets inaccessible to the impure. The Father's reign over this kingdom of magical objects is, from the point of view of the son who narrates the novel, unquestionable. So the boy suffers when he witnesses his father being pushed aside by the voluptuous maid, Adela, who in her cleaning destroys the old heresiarch's hideouts, the dark laboratories set up for studying the metaphysics of living matter. It is possible that Adela is an agent of the other district, that district marked on the Father's map of Drohobycz as The Street of Crocodiles, his town's imitation of a modern city:

> While in the old city a nightly semi-clandestine trade prevailed, marked by ceremonious solemnity, in the new district modern, sober forms of commercial endeavor had flourished at once. The pseudo-Americanism, grafted on the old, crumbling core of the city, shot up here in a rich but empty and colorless vegetation of pretentious vulgarity. The old, established inhabitants of the city kept away from that area where the scum, the lowest orders, had settled—creatures without characters, without background, moral dregs, that inferior species of human being which is born in such ephemeral communities.

Only one chapter of the book deals directly with the Street of Crocodiles, an area inhabited by "the cheap human material" where "no instincts can flourish, no dark and unusual passions can be aroused." Yet, its very existence influences the life in the old town. In the house of the Father the darkly passionate experiments with exotic birds, insects and manikins are directed against the threat posed by the growth of the colorless, banal evil from the other side of the river. Undoubtedly the actual changes that took place in 20th-century Drohobycz inspired Schulz's imagination. The discovery of oil thrust this beautiful area of serpentine rivers, juniper slopes and ancient Jewish culture into the tumult of industrialization. Schulz's own brother became a prosperous naphtha magnate. A more vigorous and extroverted artist might have written a powerful realistic novel out of such material, the Jewish version of Buddenbrooks. But it may be that such a town was suited only to Schulz's mysterious fable, to the "genealogy of soul," as he described the book. In any case the reality that influenced Schulz's art is now untraceable, since the entire world of which his life was a part, the isolated circle of the Jewish culture within the almost equally isolated Polish culture, and the points of their intermingling ceased to exist soon after Schulz's death. Neither Yiddish nor Polish is spoken today in the Russified Drohobycz; only German is taught at schools as it was before the holocaust.

Asked how he would classify his book, Schulz wrote that he considered *The Street of Crocodiles* an autobiographical novel, not only because it contains certain facts and experiences from his childhood but because it was an attempt to explore the deep mythological roots where an individual is formed. It is, indeed, a very unusual autobiography, a personal bible in which myths materialize into scenes and characters both timeless and realistic: "I have never seen an Old Testament Prophet, but at the sight of this man stricken by God's fire, sitting clumsily on an enormous china chamberpot behind a windmill of arms, a screen of desperate wrigglings over which there towered his voice, grown unfamiliar and hard, I understood the divine anger of saintly man." Here as elsewhere the artist's powerful imagination is coupled with his acute sense of detail.

When I read Schulz again, a long time after my first enchantment with the poetry of his prose, I was struck by the strength of his morality. Even his perfection of style carried a moral message since he held mediocrity primarily responsible for modern evil. In Schulz's modern morality fable ethics and aesthetics are indistinguishable. The Street of Crocodiles is inhabited by "the cheap human material," by expressionless, hollow, mechanical dummies. This vulgar evil is devoid of the demonic attraction of Gide's Lafcadio or Céline's ragged knights of the night. Schulz would agree with Thomas Mann who wrote in 1938: "The motif of abjectness and degradation plays an essential role in the development of modern Europe. Hitlerism is

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somehow a Wagnerism for the poor." Only Schulz might go a step further to declare that it is imitation Wagnerism by and for the scum. In Schulz's fable the scum exists at the outskirts of the old town, tempting the normal residents only in their moments of "moral weakness." For the most part the ancient human values of the "cinnamon stores," the powers of creative curiosity and imagination, although wilted and entrusted to the care of a withdrawn old man and a vulnerable child, manage to prevail.

Only his writing stood between Schulz and the daily evil he witnessed, and quite naturally he found it difficult to complete and relinquish the stories which made sense of his existence. For the same reason he could never leave Drohobycz. As a writer he allowed his characters to exist outside the limits of time and geography, calling them "record cards in the immense archives of the sky." He himself waited in Drohobycz for an end which bore a greater resemblance to Kafka's *The Trial* (which he had translated into Polish) than to anything in his own imaginative fables. □

Literary Licentiousness

GENE LYONS

I read Samuel Hazo's novella *The Very Fall of the Sun* (*Hudson Review*, Autumn 1976) while riding a Mexican bus between the cities of Culiacan and Guadalajara. Ordinarily such a fact would have no bearing upon a review at all, and I mention it only because I had deliberately taken the magazine with me on account of Hazo's subject matter: an American professor of law who blunders into rebel hands while on a lecture visit to an unnamed dictatorship somewhere in the tropics. The juxtaposition was an unfortunate one. The part of Mexico I was passing through is not quite tropical, and while the Mexican Government is hardly a model of participatory democracy neither is it a repressive monolith like the one in the story. But in spite of Mexico's propensity for inspiring in English-speaking writers dualistic melodramas of sex, religion and politics—that is not the point. The fit would have been equally inappropriate had the bus been traveling from Caracas to Bogotá, Ankara to Teheran or, for that matter, New Haven to Hartford. What Hazo, all of whose previous seven books were poetry, seems to have wanted to write was a fictive meditation on the facts of repression and "poverty"—that inadequate term which we Americans apply with equal facility to some of our countrymen who own automobiles, telephones and TV sets, and to foreigners who sleep on pavements and starve to death—and on the necessity for rebellion. What has emerged is a very uneven amalgam of Aldous Huxley, Che Guevara and Harold Robbins, a talky and often sententious confrontation between The Rebel and The Bourgeois, in which the latter is, after a fashion, converted.

This is not to say that the novella is entirely lacking in merit. The initial perception of the guilt, unease and desire to escape felt by most Americans when they first encounter the everyday desperation of what a friend of mine who has traveled much in Africa and the Middle East calls "the rat countries," is well done. As Jan, the professor's wife, puts it: ". . . we're just floating through this country on our own little island of money. When you get right down to it, we're really not *in* this country. We're just paying our way through it." But in spite of occasional sharp perceptions, Hazo's story soon bogs down in serious deficiencies of narrative, dialogue and characterization.

Much of the time the difficulty lies in simple overwriting—Hazo's insistent use of portentous description to cover even the most humdrum moments of the journey, moments which in a work of just over 90 pages ought simply to have been left out. Witness Zav and Jan Constantine at the airport, waiting for their luggage:

> Their expressions said that they needed their luggage's permission to leave, to make them complete again, to be reunited with their effects. Together with the other waiting passengers, they formed a restless circle around the moving planisphere that spindled the merry-go-round of satchels and valises being spewed on it from the treading incline at its core. The passengers stood or shifted from foot to foot like players at a wheel of fortune expecting their particular degree on the spinning circle. The carousel had that magnetism at its center that Constantine associated with roulette tables, hearthfires or whirlpools. It seemed to draw everyone's attention to its heart. Then it suddenly turned centrifugal when the bags arrived, and each passenger took his or her bag and departed in the spinoff to a destination.

There are more economical ways to stress the symbiotic relationship between middle-class man and his possessions than to elevate a bore into a ritual.

It is not until the Constantines' sailboat has drifted onto a remote island while they are sleeping after a bout of lovemaking that the central debate which occupies most of the story can begin. Captured by the operatives of one Melchior, a legendary guerrilla and writer of poems, they find, rather remarkably, that what he wants most is "to discuss justice with you. I want to talk justice. . . . Why not? You're a professor of law. You spend your life on judicial matters, do you not?" Here is how the discussion goes, with Constantine, who is now The American Liberal [read hypocrite] leading off:

> ". . . you can't just ignore existing law on the basis of what you might think justice is. . . . Because in that case laws could be displaced or ignored by any man's concept of justice at any given moment. After all, there is such a thing as precedent. If you want to make laws more equitable or more just by your definition, you must take precedent into account. Otherwise you destroy continuity. And the soul of law is continuity. If you destroy continuity, you usually destroy respect for the law. And when you do that, you're left with nothing at all. You can't have justice in a vacuum, you know."
>
> ". . . . In the matter of administrative detention, you simply have the case of a bad law, and a bad law is certainly a bad precedent."
>
> "I have to say that's true."
>
> "Well, what do you do about the situation?"
>
> "You try to rectify it, I suppose."
>
> "How?"
>
> "You still have some constitutional alternatives here, don't you?"
>
> "On paper, yes. In the flesh, no. I tell you as one man to another that constitutional reform here is impossible."
>
> "Then I suppose you simply have to endure a hopeless situation."
>
> "Endure it! Endure! Do you know what you are saying?"
>
> "I don't see any other alternative."

Now I don't know where Hazo spends his time, but I have spent the majority of mine recently in Arkansas, where any number of people pine for the good old days and vote for John McClellan whenever they get the chance, and I don't know anybody who is that unimaginative or inflexible. Not even Melchior's recitation of how he as a boy watched the current head of the dictator's Secret Police rape and murder his mother can move Constantine off dead center, or stop him from sounding as if everything he says is badly translated from the French. So Melchior pretends he is go-

Gene Lyons contributes a monthly column to The Nation.

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ing to rape Jan while her husband watches, provoking the professor to scream threats of murderous revenge thus revealing to himself just how shallow are his "civilized" notions of the law. The Harold Robbins part comes when the Secret Police arrive to kill all but the Constantines, decapitating Melchior to take his head as evidence that he is dead. But Zav, by now "radicalized," seizes the head and heaves it into the water, thereby fulfilling the terms of a local myth celebrated in Melchior's best-known poem, frightening the wicked soldiers into flight, and in Jan's words leaving "quite a mark on the country where we were. According to the last reports, there are tremendous changes taking place there, grass-root changes, basic changes."

All of which goes to show, I suppose, that bourgeois culture can convert anything at all to sentimentality, even the revolution itself. Or something like that.

J.M. Alonso's *Althea*, subtitled "the Divorce of Adam and Eve" (Fiction Collective, $4.95) is overwritten in a more fundamental way. Where Hazo is gracefully sententious, Alonso is gracelessly, repetitiously, and almost infuriatingly so. And if that is too many adverbs in a row for you, then you will not enjoy *Althea* at all, a novel in which characters are "uncommentingly patient," and stand "homosapiently erect" while "looking Biblically up at the sky."

The Adam of the novel is a Boston Irishman called Muldoon, and here is how it begins:

> I HAVE NEVER LIKED WOMEN. AS A MATTER OF FACT, I HAVE USUALLY DISLIKED THEM ACTIVELY. TO ME, WOMEN HAVE BEEN THE OPPOSITE OF PEOPLE. By which I mean human, which people ideally should be.
>
> Well, maybe being Irish Catholic and living with my mother until she died a few years ago didn't help my spiritual development any. Mel would say so, if he didn't think I'd punch him in the nose, so he just thinks it.

It isn't that Muldoon is a homosexual or anything like that, far from it. The problem seems to be that the boy is a fictive incarnation of the American male as hypothesized in the baldest kind of feminist cant: women to him are either angels or bitch-whores.

> Which is, of course, why I needed so much help from the Unseen and Mysterious Forces. To navigate not only through the blinding hallucinations of the materialistic modern world but through the biological ones filtered up through my own male fantasy. Otherwise, I would never have seen that Light in all its quintessential human clarity, nor perceived Althea as the most unarchetypal, people person I would ever know, poor thing.

The "Unseen and Mysterious Forces" or "UMF's" as Alonso's narrator sometimes calls them, seems to be what most people call "chance," or even "fate" when the signifying mood is on them, and in *Althea* any reference to the UMF's indicates either a Major Coincidence or a rambling digression on the dark mysteries of the subconscious, which in turn signals that Muldoon is about to get laid. The UMF's are, in short, the author's primary transitional device.

By way of giving the reader some idea of how the UMF's operate in the book, a brief passage may suffice. Here Muldoon, "a wretched and paralyzed graduate student who never finished his thesis," is standing across the street from Harvard's Widener Library trying to look inconspicuous. Ordinarily he avoids the place for fear of encountering his faculty adviser, but has been marooned there by a fellow graduate student named Ben, who has entered the building to use the men's room:

> So there I was, unknowingly positioned by the UMF's in a most humiliating position before the Widener God, with my back turned, my face averted, practically cowering and reduced to cursing Ben (who, incidentally, *was* a pervert) for leaving me there.
>
> Though not daring to look at the living Temple directly, I could feel the Widener God's life behind me with all its massive silent vibrations of obscene mental electricity. Sparking from books to minds and back again. All contained in the shadows of the stacks within the infinite creases, in the darkness deep beyond the cyclopic, glassed mouth behind me, with that low, dark, square mouth.
>
> So, to protect myself, to undeify the living Temple, I tried thinking of the Widener God as just one more Harvard Corporation-owned factory, meshing stacks and stacks of minds with rows and rows of books. After all, professors author books [sic] which themselves author professors, and the Widener Factory God was in the business of producing both, which were sometimes barely distinguishable entities. Come to think of it, I knew *many* books that were far more perceptibly human, both in their affects [sic] and contents, than many a professor who had turned himself through his life's work into a walking thesis with hat and shoes.

Had enough? This rambling humbug goes on for 5 pages of small print before a married woman named Norma comes

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out, asks Muldoon to read a short story she has written for a class, and an hour or so and 35 pages later, seduces him.

I regret to say that I am not able to summarize the plot, partly because the first 200 pages contain mostly foggy and repetitious paeans to the Unseen and Mysterious Forces and a lot of other portentous gibberish as well, and partly because I quit reading there and skipped to the final chapter, where house-mouse Norma has apparently metamorphosed into

> the figure of the new Eve . . . transformed, irreconciliable. No longer young, of course. No longer pretty. But determined during what might be the sunset years of our species to earn her new reality through the sweat of her brow (convinced that Adam's ancient punishment was really a privilege denied her) by making a go of it on her own, in New York publishing circles to begin with.

The bathos of the final line is, as nearly as I can tell, quite unintended.

There is no point in further belaboring this silly novel, except that in its obsessive badness it raises once again the doubts about the Fiction Collective that have been raised before, and by extension all those assumptions about corporate publishing and the supposed stifling of creative genius by profit-hungry vulgarians that teachers of "Creative Writing" are fond of. Whether the Fiction Collective is a serious enterprise or merely the best publicized vanity press in America is a question that deserves the scrutiny of persons interested in American fiction, and one which I should like to examine in some detail next month. □

FILMS / Robert Hatch

From *The New York Times*, March 11: "The man accused of having planned the 'heist of the century' last July at Nice escaped from a courthouse there . . . in an exploit as daring as that bank theft. Albert Spaggiaro jumped through the window as he was being interrogated. . . . He landed 9 feet below on the roof of a parked car, jumped from it and was gone on the back seat of a Japanese motorcycle driven by a man wearing a black helmet.

"As the motorcycle sped past a police guard idling next to the courthouse, Mr. Spaggiaro made a vulgar gesture."

In life, too, it seems, the French excel at the comic crime caper; one can readily imagine Charles Aznavour making that gesture. As it happens, the current example of the genre—*The Wonderful Crook* (*Pas Si Méchant Que Ca*), written and directed by Claude Goretta—is not French but French-Swiss, and, though I don't know why it should be so, that may account for its somewhat peculiar effect. The style and content are squarely in the mode: attractive and intelligent people in near-idyllic surroundings, engaged in a series of well-mannered larcenies, the victims of which are such impersonal entities as banks, post offices and railroad stations. Pierre (Gerard Depardieu), a playful, handsome young man, blessed with an ardent wife (Dominique Labourier) and a jolly baby son, suddenly falls heir to a small furniture workshop staffed by splendid artisans and quite bereft of customers. Thus confronted with responsibility and impelled by the silent, contemptuous gaze of his paralyzed father, it occurs to Pierre to fabricate the orders necessary to maintain the shop and to raise the money they would provide by speeding about the countryside on his motorcycle, robbing the institutions mentioned above. On one of his early forays, he confronts a plucky and most appealing post office clerk (Marene Jobert), who first fails to report his intrusion, then becomes his mistress and subsequently his accomplice. Thus, quite suddenly, the happy-go-lucky Pierre is transformed into two persons: the prospering young businessman, adoring husband and father; and the bold bandit who, fantastically disguised and accompanied by a bewitching mistress, is systematically pillaging the local branches of large Swiss institutions.

On the surface, these developments are jaunty, deft, colored by an attractive eroticism, but the light mood becomes increasingly difficult to maintain. Pierre begins to lose his resiliency; his wife grows confused and alarmed; the former lover of his mistress is humiliated; the "game" grows exhausting. And at the end, of course, Pierre is seated in a police sedan, and his two women, each by herself, are gazing after him into what one assumes will be a long solitude, since the Swiss are no doubt severe about armed robbery, however unselfish the motive.

As to Mr. Goretta's motive, I can only guess. He is an able director, one who gets eloquent performances from his cast and who tells his story with elegant economy. His is a good-looking film, full of life and air. I think he achieved what he set out to do—to give weight to a crime comedy by painting a wash of somber implications behind the bright amorality. But it seems to me an unsatisfactory accomplishment because the viewer cannot find a way to relate to the picture. Crook romances entertain one with bizarre types engaged in exploits whose wit resides in their improbable success. You care nothing about such characters as people—essentially, they are larcenous acrobats. On the other hand, if you once become aware of the eyes of the participants, you begin to worry about what they may be doing to themselves. That happens rather early in *The Wonderful Crook*, but the capers frustrate the concern. At least, I could not get on the terms of understanding with Pierre and his women that seemed to me necessary for the implicit tragedy.

Perhaps this is to take the film much too seriously; it is not, obviously, intended to be a great drama of souls in torment. Nevertheless, I felt that Goretta was asking us to care more than casually about his people, but then was unable to break enough out of the caper formula to let us do so.

From what I hear, Los Angeles is a sprawling city of no particular character. Thus *Welcome to L.A.* is probably its appropriate celebration. Written and directed by Alan Rudolph, produced by Robert Altman and performed by a cast of notables, all of whom have been better occupied on other occasions, it sprawls and lacks character.

But it has a lot of "style." *Welcome to L.A.* is a decor film. It occurs for the most part in an environment of dark, rich-grained plastic, synthetic leather and amber light, suggesting what not quite first-rate department stores use in their men's boutiques to create the illusion that price should be no impediment to vulgarity. And the story is transmitted in fragmented time frames, a device that only partially conceals the fact that it is not of sufficient interest to survive coherent narration.

Carroll Barber (Keith Carradine) is a songwriter whose success is being paid

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for by his father (Denver Pyle), a millionaire yogurt manufacturer who wants to lure his son home from London. That's why the saturnine young Barber is in Los Angeles, but the presence of the others there seems quite arbitrary; they could as well be in Westchester or on any movie location suitable for scenes of affluence in decay. The problems of these ladies and gents are only too fashionable —they communicate with difficulty and cannot recall which beds are theirs. Carradine, resplendent in a small goatee and one of those Irish tweed hats that have displaced the Tyrolean lid in popular fancy, makes a weapon of noncommunication and provides a bed for ladies who have lost interest in their own. He drinks intermittently out of a pint bottle; I thought that rather dated behavior for such an avant-garde chap.

The dialogue, expressing various states of desperation in elliptical clichés, competes on the sound track with Barber's songs (to give you an idea of their merit —"First I loved your soft complexion, your tawny cheeks, and lip confections"). These in fact were written, and are performed on camera, in an alleged recording studio, by Richard Baskin, who seems to have discovered that he can munch gumdrops while singing.

The moral of the picture is that everything and everybody these days is being merchandised. It is a cheaply cynical message, designed to impress the gullible. Maybe it will work—they're merchandising the hell out of *Welcome to L.A.* □

THEATRE

HAROLD CLURMAN

Yale Repertory Theatre in New Haven is presenting Bertolt Brecht's *Mr. Puntila and His Chauffeur Matti* as part of its present repertory season. The new production is lively and affords a most pleasant evening.

It has been staged by a talented young English director, Ron Daniels, who sets the play in a carnival or traveling fair environment. The text itself is a folk comedy with rural underpinnings. The direction transforms Brecht's intention intelligently; a writer's work in the theatre must take account of the actors who play it and the audience to whom the production is addressed. In this respect, Yale's *Puntila* is a success.

The play was written in Finland in 1940-41, when Brecht was resident there en route to America. It is the story, told in free and swinging style, of Puntila, a wealthy Finnish landowner. The play's sources were some popular Finnish tales and the draft of a script by Hella Wuolijoki (Brecht's hostess at the time). By design or by choice, Puntila resembles the millionaire in Chaplin's *City Lights*: he is generously liberal in his cups, unfeeling and greedy when sober.

Matti, his hired man and chauffeur, shrewdly copes with his boss' ambivalence. Puntila first plans to marry his daughter off to an attaché of the diplomatic corps, but the enlightened perception of his inebrity makes him realize that the fellow is a nincompoop. Puntila then resolves to give Eva to Matti, a "real man." She herself appears to prefer Matti but, because of class differences, Puntila doubts that she will make him a good wife. Matti asks Eva to show him how she would behave in key circumstances of a workingman's life: when he takes her home to live with his poverty-stricken mother, when he comes tired from his labors. Can she stand the diet of poor people (herring every day of the week)? Does she know how to darn socks properly? Though she fails with the socks, she does well at most of the examination. Nevertheless, she proves herself unsuited to fill the job of becoming Matti's wife when she takes offense at his slapping her encouragingly on the behind.

Puntila sober, once again becomes niggardly with his employees and threatens to fire Matti. But becoming drunk in the process of swearing off liquor, he begs Matti to remain by his side, promising all sorts of advantages. Matti refuses and leaves. Whatever benevolence Puntila may show from time to time, he is still a capitalist, therefore untrustworthy.

The play is humorous and witty with a racy and hearty joviality which is thoroughly endearing. But Brecht didn't write it just for fun! Puntila contains a warning: the working class should never depend on its masters, no matter how good-natured they may appear. The abyss between them cannot be bridged.

Still, the character of Puntila comes through with great charm. Brecht, mistrusting the general freshness of feeling that pervades the proceedings, went so far in the later German productions as to put masks on Puntila and his minions (a judge, a lawyer, a parson): this would make them look menacing or at least much less "sympathetic."

D.H. Lawrence once said—I paraphrase—that every narrative tells a tale and conveys a moral: one should not heed the moral but put faith in the tale. So it is with *Puntila*, as it was with *Mother Courage*. Brecht did not wish his audience to think well or warmly of that woman but it did, and while the "moral" of *Puntila* is militant, the man Puntila, as written, remains a delightful creature.

That is what happens in the Yale production. No one will be "converted" by the play in the Brechtian sense. Audiences there will enjoy the show for its spiritedness. This is especially so because Thomas Hill (Puntila) is captivating in all senses. Ron Faber has the right grit and grimace for Matti. Alma Cuervo as a peasant bootlegger to whom Puntila promises marriage (along with several other country girls) possesses a quality which very agreeably arrests our attention. In fact, the entire cast contributes engagingly to the evening's festivities. Scenery by David Lloyd Gropman, costumes by Dunya Ramicova, music by William Bolcom, and Michael Feingold's adaptation of lyrics are all as they should be. □

RECORDS

DAVID HAMILTON

RICHARD STRAUSS: Symphonic poems, etc. Various orchestras, Richard Strauss, cond. Deutsche Grammophon 2740 160. $39.90 (five discs; mono; recorded 1926-41; available from import dealers).

Strauss once advised young conductors to "conduct *Salome* and *Elektra* as though they were by Mendelssohn: fairy music." This suggests—and his recordings confirm—that he had a rather different idea of his music than do most other people, conductors and listeners alike. The orchestral craftsmanship is no whit inferior to Mendelssohn's, certainly, but the advice cannot really be followed; if it could, the *Domestic Symphony* would be domestic—and tolerable—instead of grotesquely inflated and tasteless. In those recordings—and in others from 1944 concerts in Vienna, released last year on Vanguard/Everyman SRV 325/9—Strauss resolutely declines to distend the climaxes, to wallow in the lush bits; the features of the music that dominate in many performances are treated as if they weren't there at all. Still, though suppressed on the local level, they remain in the scale and conception of the pieces after *Till Eulenspiegel*, while the rhythmic verve of the earlier scores (brilliantly realized in the composer's performances), along with their concision, is gradually dissipated. It is as if Strauss, who never

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understood why people made such a fuss about his behavior vis-à-vis the Nazis, also failed to perceive an essential fact about his music.

Together, the Deutsche Grammophon and Vanguard sets present the bulk of recorded Strauss-conducting-Strauss. Five major scores appear in both sets: *Don Juan, Tod und Verklärung, Till Eulenspiegel, Ein Heldenleben* and the suite from the incidental music for Hofmannsthal's reworking of Molière's *Le Bourgeois gentilhomme*. To these Deutsche Grammophon adds *Don Quixote* (with a fine soloist, Enrico Mainardi), orchestral excerpts from *Salome, Rosenkavalier* and *Intermezzo*, and the vapid *Japanische Festmusik* of 1940, while the Vanguard set includes *Also Sprach Zarathustra*, the *Domestic Symphony* and the waltz from the ballet *Schlagobers*. The orchestral playing varies from quite good (in DG's 1941 *Heldenleben*, which is also rather well recorded) to fairly miserable (much of DG's 1930 *Bourgeois gentilhomme*, though the solo violin here, very Kreislerian, is a model of style in phrasing and rhythm). One gets the impression that in the early days Strauss didn't take recording very seriously, while the 1944 concerts find the Vienna Philharmonic at something less than its best and the composer, celebrating his 80th birthday, depleted both physically and emotionally. For some pieces, such as *Till* and *Tod*, he manages to summon up an approximation of the old vitality, but it would be interesting to know the sequence in which these programs actually occurred.

All sorts of flaws beset these recordings; DG's pitching isn't always accurate, and their 1926-27 recordings are thin-sounding indeed, while the 1944 Vanguard air checks, though fuller, are sometimes distorted and coarse; their *Don Juan* has a distracting hum, and there is a curious repetition of several pages near the end of the first side of *Zarathustra* (presumably some sort of editing error). Between the two, however, one can get a pretty clear idea about the way Strauss conducted his own music. He was also much noted for his work in the standard repertory, and Deutsche Grammophon could put together an equally interesting package of his recordings of Mozart, Beethoven and Wagner.

WAGNER: "Grosse Sänger der Bayreuther Festspiele." Various performers. Deutsche Grammophon 2721 109/12. $15.96 each (two discs each; first three sets mono, fourth set stereo; recorded 1907-71; available from import dealers).

WAGNER: "Grosse Dirigenten der Bayreuther Festspiele." Various performers. Deutsche Grammophon 2721 113. $15.96 (two discs; three sides mono, one side stereo; recorded 1928-71; available from import dealers).

Supplementing Deutsche Grammophon 2721 115 (reviewed in these pages on January 22), these five sets comprise that company's contribution to the Bayreuth centennial (only twelve of the nineteen tracks in that briefer survey, released here last fall, are duplicated in this longer version). In brief, it is less valuable both historically and aesthetically than the ten-disc EMI/Electrola package. Only two of the vocal sets concern themselves with the prewar years on which EMI concentrated, and few of the selections here can claim comparable rarity or quality. In particular, many of the period's most important singers, such as Leider, Schorr and Melchior, are represented by early-1920s acoustic recordings rather than the later, better-sounding, and usually more subtly sung versions that were available to EMI's compilers. (An exception is a 1939 Melchior broadcast recording from *Parsifal*, but then a contemporaneous studio version of this excerpt has long been available on RCA Victrola VIC 1500.)

As for postwar Bayreuth, it has been extensively documented in a number of complete "live-performance" recordings, and in fact DG's fourth set is primarily drawn from their *Tristan* (1966), *Parsifal* (1970) and *Fliegende Holländer* (1971) sets. And the earlier postwar set offers samples of impersonations that were mostly recorded in complete form by other companies (with the notable exception of Astrid Varney's edgy but penetrating Brünnhilde, from which two substantial passages are offered).

The album devoted to conductors includes a good example of Strauss conducting the *Holländer* Overture, and an exhilarating (and previously unpublished) *Meistersinger* prelude from a 1949 Furtwängler concert, but like its companions it is hardly representative of the best things that have happened at Bayreuth: a *Parsifal* orchestral snippet led by Knappertsbusch in 1928 doesn't seem worth reissuing in view of the fact that he recorded the entire opera twice (and very well) after the war.

A nonmusical aspect of all the German Bayreuth reissues is of more than casual curiosity: from the absence of any but the most oblique references to political events in Germany between 1933 and 1945, one might be led to assume that many celebrated performers absented themselves from the Festspielhaus during those years simply because the pay was better outside Germany. □

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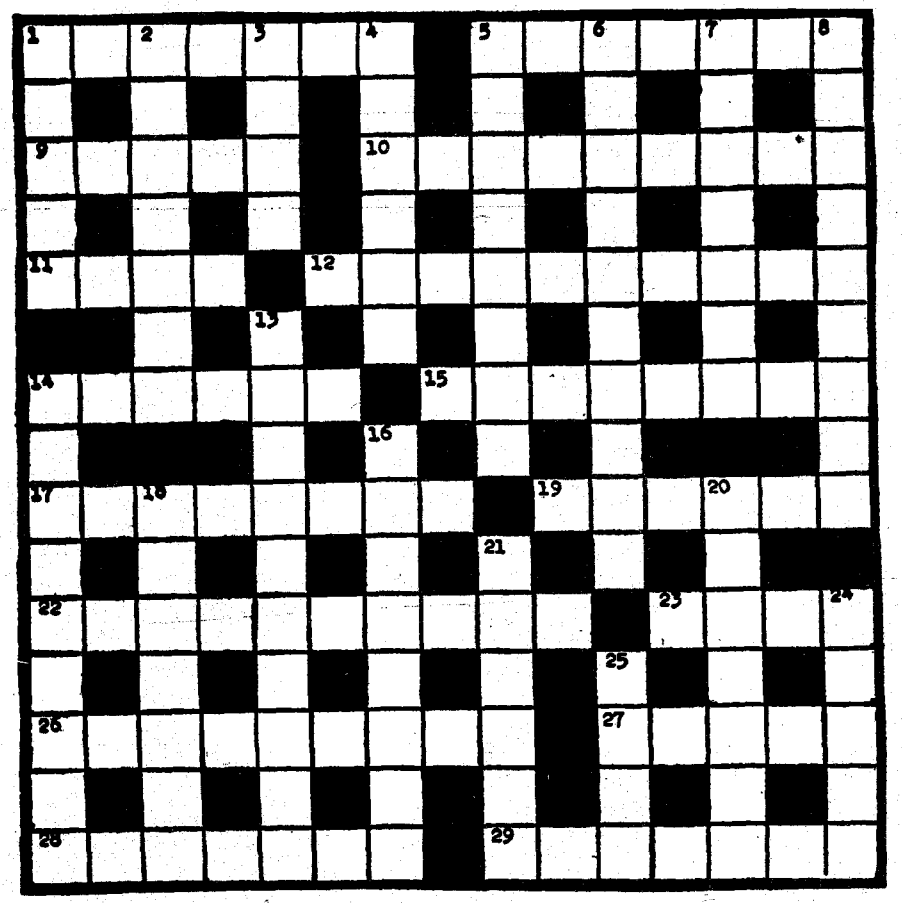
Crossword Puzzle No. 1672

FRANK W. LEWIS



ACROSS

1 and 15 What does it take a second to do, perhaps? Give up? (5,2,3,5)
5 In the capital, ask another person—he probably hasn't been in the States for all that long! (7)
9 A gambler who is more ready for anything? (5)
10 Those who have been buying long, might. (4,5)
11 Talk about a national hero! (4)
12 How to make a female singer obtain the girl's total collection. (10)
14 and 3 down A very sharply worded telegram—possibly having to do with securing stock. (6,4)
15 See 1 across
17 Possibly desiring a good place to view someone 1 and 15. (8)
19 Certainly not well. (6)
22 Obviously people do, since they can't take food in such condition. (4,6)
23 See 5 down
26 and 25 down When old timers do, it's one for one, and so forth. (6,3,4)
27 The last one in the circle game in a way. (5)
28 It's all quiet in the fort, as you can see by one that bears the load. (7)
29 Puts a point forward, possibly. (7)

DOWN

1 Even so, one wouldn't spend money like a drunken fool. (5)
2 Rose to prove one incapable of sticking to the point. (7)
3 See 14 across
4 Snuggle down when at home with the French. (6)
5 and 23 across Implying the well-behaved, rather than the meek, should inherit everything, even if it's in your favor? (3,2,3,4)
6 It means not getting involved, though it's sent on a bit involved. (10)
7 In back? No! Who wouldn't show such skill? (4-3)
8 Bad turn with a person having a common purpose, of course! (9)
13 Dinner coat, in a way. (4,6)
14 No longer a probable sight at 17 across, though unvarnished and sort of stiff. (4,5)
16 One with excessive devotion, despite the seeming claim to an act of procrastination. (8)
18 No way to play the ukulele, though it might make you better according to some. (7)
20 Fans for pigs, for example? (7)
21 Get locked up again? You'll be sorry if you do! (6)
24 Pulls the turf up. (5)
25 See 26 across

SOLUTION TO PUZZLE NO. 1671

ACROSS: 1 Jabbers; 9 Digging; 10 Matador; 11 Traps; 13 Somme; 14 Ejector; 16 Mimicry; 18 Opulent; 21 Canasta; 24 Shaft; 26, 12, 15 and 27 One for the money; 27 Mouse; 28 Unkempt; 29 Handles; 30 Endured; 31 Scythes. DOWN: 1 and 18 Jude the Obscure; 2 and 5 Big-game hunters; 3 Evils; 4 Sign for; 5 Humdrum; 6 Notes; 7 Endemic; 8 Surgery; 17 and 29 Manhandles; 19 Unasked; 20 Trotted; 21 Creches; 22 Squelch; 23 Asepsis; 25 Tamer.

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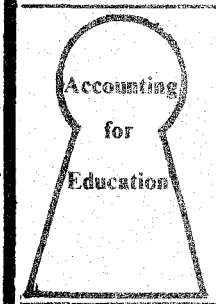
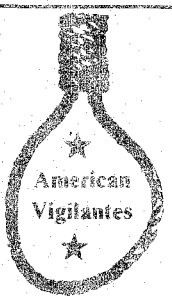


January/February

Allan C. Ornstein
Thomas W. Milburn
Kurt W. Back
Sheila Huff



March/April

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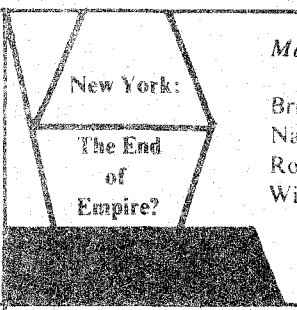
Gary T. Marx
Edward V. Schneier
Amitai Etzioni



May/June

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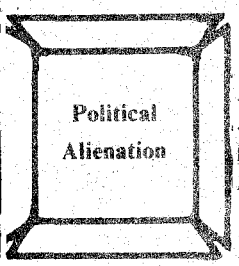
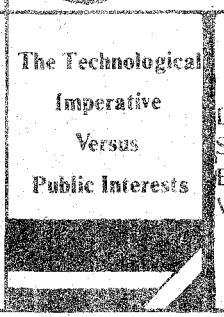
Nathan Glazer
Roger Starr
William Alonso



July/August

Jane Cassels Record
Joel D. Aberbach
Philip G. Altbach
Ada W. Finifter



September/October

Dorothy Nelkin
Seymour Martin Lipset
Everett C. Hughes
William H. Friedland

November/December

Stanley Milgram
Gaye Tuchman
Judith Adler
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